

DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES

PUBLIC ACCOMMODATIONS

CHAPTER 111

Subchapter 1

Hotels, Motels, Tourist Homes, Retirement Homes,
Roominghouses and Boarding Houses

Rule	37.111.101	Definitions
		Rules 02 and 03 reserved
	37.111.104	Preconstruction Review
	37.111.105	Existing Building: Change of Use
	37.111.106	Licensure, Renewal and Inspection
	37.111.107	Physical Requirements
		Rules 08 through 14 reserved
	37.111.115	Water Supply System
	37.111.116	Sewage System
	37.111.117	Solid Waste
		Rules 18 through 20 reserved
	37.111.121	Laundry Facilities
	37.111.122	Housekeeping and Maintenance
	37.111.123	Swimming and Bathing Areas
	37.111.124	Food Service Requirements
		Rules 25 through 29 reserved

DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES

- Rule 37.111.130 Guest Registration
- Rules 31 through 34 reserved
- 37.111.135 Minimum Performance Requirements for Local
Health Authorities
- Subchapter 2
- Trailer Courts and Tourist Campgrounds
- Rule 37.111.201 Definitions
- 37.111.202 Incorporation by Reference
- Rules 03 and 04 reserved
- 37.111.205 Layout Plan Review
- 37.111.206 Layout Plan: Water Supply Requirements
- 37.111.207 Layout Plan: Sewage System Requirements
- Rules 08 through 10 reserved
- 37.111.211 Licensure
- 37.111.212 Inspections and Compliance Requirements
- Rules 13 and 14 reserved

DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES

Rule	37.111.215	Water Supply: Ongoing Requirements
	37.111.216	Sewage System
	37.111.217	Solid Waste: Storage and Disposal
	37.111.218	Noxious Plant, Animal, Dust and Other Public Health Controls
		Rule 19 reserved
	37.111.220	Miscellaneous Licensee Requirements
		Rules 21 through 24 reserved
	37.111.225	Guest Registration
	37.111.226	Animals Running at Large
		Rules 27 through 29 reserved

PUBLIC ACCOMMODATIONS

Rule 37.111.230 Service Buildings and Other Service
Facilities for General Services Campgrounds

Rules 31 through 34 reserved

37.111.235 Performance Requirements for Local Health
Authorities

PUBLIC ACCOMMODATIONS

Subchapter 3

Bed and Breakfast Establishments

Rule	37.111.301	Purpose
	37.111.302	Definitions
		Rules 03 and 04 reserved
	37.111.305	Prelicensure Review and Approval
	37.111.306	Licensure, Renewal, and Inspection
	37.111.307	Variances
	37.111.308	Personnel
		Rule 09 reserved
	37.111.310	Guest Registration
		Rule 11 reserved
	37.111.312	Food Supplies
	37.111.313	Food Protection
	37.111.314	Food Storage
	37.111.315	Food Preparation
		Rules 16 through 19 reserved
	37.111.320	Food Equipment and Utensils
	37.111.321	Food Equipment and Utensils: Cleaning and Sanitization
	37.111.322	Food Equipment and Utensils: Storage and Handling
		Rules 23 through 25 reserved

DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES

Rule	37.111.326	Water Supply and Plumbing
	37.111.327	Wastewater System
	37.111.328	Toilet Facilities
	37.111.329	Hand Washing Facilities
	37.111.330	Solid Waste and Pest Control
		Rules 31 through 33 reserved
	37.111.334	Floors, Walls, Ceilings and Lighting
	37.111.335	Laundry
	37.111.336	Housekeeping and Maintenance
		Rules 37 and 38 reserved
	37.111.339	Swimming and Bathing Areas
		Rules 40 and 41 reserved
	37.111.342	Blood-borne Pathogen Protection
	37.111.343	Safety
	37.111.344	Pets
		Rules 45 through 49 reserved
	37.111.350	Minimum Performance Requirements for Local Health Authorities
		Subchapter 4 reserved

PUBLIC ACCOMMODATIONS

Subchapter 5

Youth Camps

Rule	37.111.501	Definitions
		Rules 02 and 03 reserved
	37.111.504	Preconstruction Review
	37.111.505	Use by Non-Licensee: Licensee Responsibility
	37.111.506	Physical Requirements
		Rules 07 through 14 reserved
	37.111.515	Water Supply System
	37.111.516	Sewage Treatment and Disposal
	37.111.517	Solid Waste
	37.111.518	Toilets
		Rules 19 and 20 reserved
	37.111.521	Housekeeping, Maintenance and Laundry
	37.111.522	Food Service
	37.111.523	Swimming and Bathing Areas
		Rules 24 through 29 reserved

DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES

Rule	37.111.530	Safety
	37.111.531	Illness or Injury
	37.111.532	Insect, Rodent and Weed Control
	37.111.533	Noncomplying Preexisting Camps and Correction Plan
	37.111.534	Inspections
	37.111.535	Minimum Performance Requirements for Local Health Authorities

PUBLIC ACCOMMODATIONS

Subchapter 6

Work Camps

Rule	37.111.601	Definitions
		Rules 02 and 03 reserved
	37.111.604	Layout Plan Review
	37.111.605	Shelter, Structural and Maintenance Requirements
		Rules 06 through 14 reserved
	37.111.615	Water Supply System
	37.111.616	Sewage Treatment and Disposal
	37.111.617	Solid Waste
	37.111.618	Food Service
		Rules 19 and 20 reserved
	37.111.621	Insect, Rodent and Weed Control
	37.111.622	Abandonment of Work Camp
	37.111.623	Inspections
	37.111.624	Minimum Performance Requirements for Local Regulatory Authorities
		Subchapter 7 reserved

NEXT PAGE IS 37-27623

PUBLIC ACCOMMODATIONS

Subchapter 8

Schools

Rule	37.111.801	Definitions
		Rules 02 and 03 reserved
	37.111.804	Preconstruction Review
	37.111.805	Existing Building: Change of Use
	37.111.806	State-Local Coordination
		Rules 07 through 09 reserved
	37.111.810	Inspection
	37.111.811	Physical Requirements
	37.111.812	Safety Requirements
		Rules 13 through 24 reserved
	37.111.825	Health Supervision and Maintenance
		Rules 26 through 29 reserved
	37.111.830	Lighting
	37.111.831	Heating
	37.111.832	Water Supply System
	37.111.833	Sewage System
	37.111.834	Solid Waste
		Rules 35 through 39 reserved

DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES

Rule	37.111.840	Laundry Facilities
	37.111.841	Cleaning and Maintenance
	37.111.842	Food Service Requirements
		Rules 43 through 45 reserved
	37.111.846	Noxious Plant and Animal Control
		Subchapter 9 reserved

PUBLIC ACCOMMODATIONS

Subchapter 10

Swimming Areas

Rule	37.111.1001	Definitions
	37.111.1002	Preconstruction Review
	37.111.1003	Preliminary Inspection
		Rules 04 through 09 reserved
	37.111.1010	Water Supply
	37.111.1011	Garbage: Storage and Disposal
	37.111.1012	Toilet Facilities
	37.111.1013	Bathhouse
		Rules 14 through 20 reserved
	37.111.1021	Safety Requirements
	37.111.1022	Diving Board and Area
	37.111.1023	Operating Requirements
	37.111.1024	Inspections
	37.111.1025	Minimum Performance Requirements for Local Regulatory Authorities

DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES

Subchapter 11

Swimming Pools and Spas

- Rule 37.111.1101 Purpose: Applicability
- 37.111.1102 Definitions
- Rules 03 and 04 reserved
- 37.111.1105 Review of Plans
- Rules 06 through 11 reserved
- 37.111.1112 Water Supply
- 37.111.1113 Sewage
- 37.111.1114 Construction and Design
- 37.111.1115 Area Requirements, Deck Areas, Handholds
- Rules 16 through 29 reserved

PUBLIC ACCOMMODATIONS

Rule	37.111.1130	Overflow Gutters
	37.111.1131	Skimmers
	37.111.1132	Steps, Ladders and Handrails
	37.111.1133	Hose Connections
		Rules 34 through 37 reserved
	37.111.1138	Recirculation System
	37.111.1139	Disinfectant and Chemical Feeders
	37.111.1140	Filtration Equipment
	37.111.1141	Cross-Connections
	37.111.1142	Piping System
	37.111.1143	Equipment Room
		Rules 44 through 46 reserved
	37.111.1147	Water Testing and Testing Equipment
	37.111.1148	Ventilation and Lighting
	37.111.1149	Dressing Rooms, Toilets and Shower Areas

DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES

Rule	37.111.1150	Waste Disposal
	37.111.1151	Bacteriological and Chemical Quality
	37.111.1152	Operation, Cleaning and Maintenance
	37.111.1153	Safety
	37.111.1154	Equipment and Personnel
	37.111.1155	Disease Control
	37.111.1156	Hot Springs Pools and Flow-through Hot Springs Pools
		Rule 57 reserved
	37.111.1158	Wading Pools
	37.111.1159	Inspections
	37.111.1160	Miscellaneous
	37.111.1161	Minimum Performance Requirements for Local Health Authorities

Subchapter 1

Hotels, Motels, Tourist Homes, Retirement Homes,
Roominghouses and Boardinghouses

37.111.101 DEFINITIONS In addition to those definitions contained in 50-51-102, MCA, the following definitions apply to this subchapter:

(1) "Bedding" means mattresses, box springs, mattress covers, mattress pads, sheets, pillow slips, pillows, pillow covers, blankets, comforters, quilts and bedspreads.

(2) "Building authority" means the building codes bureau, Montana department of labor and industry, or a local government building inspector enforcing a local building code enforcement program certified by the department of labor and industry.

(3) "Department" means the department of public health and human services.

(4) "Establishment" means a hotel, motel, tourist home, roominghouse or retirement home.

(5) "Fire authority" means the state fire marshal or his authorized agent.

(6) "Fixtures" means a shower, bathtub, toilet, toilet seat, urinal, lavatory, kitchen sink, janitor and custodial sink, utensil sink and all exposed plumbing integral to them.

(7) "Floors" means sub-flooring and floor coverings of all rooms including stairways, hallways, and lobbies.

(8) "Furnishings" means cups, glasses, pitchers, utensils, draperies, curtains, blinds, light fixtures, lamps and lamp shades, chairs, tables, desks, shelves, books, magazines, bookcases, dressers, bedsteads, mattress springs other than box springs, towels, wash cloths, soap, toilet tissue, radios, television sets, coffee makers, water heaters, pictures, mirrors, cabinets, closets and refrigerators.

(9) "Guest" means each occupant of any unit of an establishment.

(10) "License" means a written instrument issued by the department authorizing the operation of an establishment.

(11) "Local health authority" means a local health officer, local sanitarian, or any other person authorized by the department.

(12) "Sanitarian" means the person who is qualified under Title 37, chapter 40, part 3, MCA, and represents the health officer.

(13) "Sleeping accommodation" means the provision of sleeping quarters and linen service or housekeeping service where the linen service and housekeeping service are provided by management or by the residents under the direct supervision of management. (History: Sec. 50-51-103, MCA; IMP, Sec. 50-51-103, MCA; NEW, 1982 MAR p. 1049, Eff. 5/14/82; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 02 and 03 reserved

37.111.104 PRECONSTRUCTION REVIEW (1) Before construction commences, plans for construction of a new establishment or for an addition to or an alteration of an existing establishment must be submitted to the department or local health authority for review and approval. Plans must include the following:

- (a) location and detail of storage rooms used for extra bedding and furnishings;
- (b) location and detail of janitorial facilities;
- (c) specifications for the water supply to serve the establishment unless the water supply has been previously approved by the department;
- (d) specifications for the sewage treatment and disposal system to serve the establishment unless the sewage treatment and disposal system has been previously approved by the department;
- (e) location and detail of laundry facilities including description of equipment, floor and wall finish material, and a flow chart indicating the route of laundry through sorting, washing, drying, ironing, folding and storage;
- (f) specifications for a swimming or spa facility to serve the establishment unless the swimming or spa facility has been previously approved by the department;
- (g) name of department-approved sanitary landfill which will receive solid waste from the establishment;
- (h) specifications for a food service to serve the establishment unless the food service has been previously approved by the department;
- (i) evidence of approval by the building authority;
- (j) evidence of approval by the fire authority; and
- (k) any other information requested by the department or the local health authority.

(2) Construction may not commence until all plans required by (1) of this rule have been approved by the department or local health authority. Construction must be in accordance with the plans as approved unless permission is granted by the department or local health authority to make changes.

(3) Approval will be granted for a period not to exceed 3 years, after which, if construction has not been completed, plans must again be submitted to the department or local health authority for re-evaluation. (History: Sec. 50-51-103, MCA; IMP, Sec. 50-51-103, MCA; NEW, 1982 MAR p. 1049, Eff. 5/14/82; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.105 EXISTING BUILDING: CHANGE OF USE (1) An existing building may not be used as an establishment and the use of one type of establishment may not change to another type of establishment without the prior approval of the department or local health authority.

(a) When a proposal to use an existing building as an establishment or to change the use from one type of establishment to another involves structural modification, plans meeting the requirements of (1) of ARM 37.111.104 must be submitted to the department or local health authority for review and approval. If no structural modification is involved, the department or local health authority may waive the requirement for submission of plans if:

(i) an inspection by the department or local health authority indicates that the proposed establishment meets the requirements of this subchapter, and

(ii) the building and fire authorities approve the building or waive approval. (History: Sec. 50-51-103, MCA; IMP, Sec. 50-51-103, MCA; NEW, 1982 MAR p. 1049, Eff. 5/14/82; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.106 LICENSURE, RENEWAL AND INSPECTION (1) Upon notification by the department that an application and fee have been received for a license for a previously unlicensed establishment, the local health officer, local health department sanitarian or sanitarian-in-training shall make a prelicensing inspection to determine compliance with the requirements of this subchapter.

(2) The local health officer, or a sanitarian or sanitarian-in-training employed by or contracted with the local board of health must inspect each licensed establishment within the jurisdiction of the local board of health to determine compliance with this subchapter at least once in every 12 months, unless that schedule is modified by signed agreement with the department.

(3) If the establishment is in compliance with this subchapter and the department does not receive notification of non-compliance from the building authority or fire authority, a license will be issued or renewed. (History: Sec. 50-51-103 and 50-51-303, MCA; IMP, Sec. 50-51-103, 50-51-301 and 50-51-303, MCA; NEW, 1982 MAR p. 1049, Eff. 5/14/82; AMD, 1994 MAR p. 2941, Eff. 11/11/94; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.107 PHYSICAL REQUIREMENTS (1) An establishment must comply with the following physical requirements:

(a) In addition to the requirements of this subchapter, compliance with the state building code and fire code is required.

(b) At least one storage room sufficient in size for the storage of extra bedding and furnishings must be provided.

(c) Adequate and convenient janitorial facilities including a sink and storage area for equipment and chemicals must be provided.

(d) All rooms must be provided with at least 10 foot-candles of light.

(e) Floors and walls in toilet and bathing rooms, laundries, janitorial closets, and similar rooms subject to large amounts of moisture must be smooth and non-absorbent.

(f) Floor and wall-mounted furnishings must be easily moved to allow for cleaning or mounted in such a manner as to allow for cleaning around and under such furnishings.

(g) Bathing facilities must be provided with anti-slip surfaces. (History: Sec. 50-51-103, MCA; IMP, Sec. 50-51-103, MCA; NEW, 1982 MAR p. 1049, Eff. 5/14/82; AMD, 1985 MAR p. 779, Eff. 6/28/85; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 08 through 14 reserved

37.111.115 WATER SUPPLY SYSTEM (1) The department hereby adopts and incorporates by reference ARM 17.38.207, stating maximum microbiological contaminant levels for public water supplies, and the following department of environmental quality publications setting construction, operation, and maintenance standards for spring, wells, and cisterns, respectively:

(a) Circular #11, "Springs";

(b) Circular #84-11, "Minimum Design Standards for Small Water Systems";

(c) Circular #17, "Cisterns for Water Supplies". Copies of ARM 17.38.207 and Circulars #11, #84-11, and #17 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.

(2) In order to ensure an adequate and potable supply of water, an establishment must either:

(a) connect to a water supply system meeting the requirements of ARM Title 17, chapter 38, subchapters 1, 2, and 5; or

(b) if the establishment is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including guests, staff, and residents; and an adequate public water supply system is not accessible; utilize a non-public system:

(i) whose construction and use meet those standards set in department of environmental quality circular #84-11; or

(ii) if construction of the establishment was commenced on or after June 28, 1985, which is designed by an engineer registered in Montana and determined by the department or the local health authority to provide assurance of an adequate and potable water supply equivalent to that in circular #84-11; or

(iii) if construction of the establishment was commenced prior to June 28, 1985, and utilizes a spring or cistern, which is operated and maintained in accordance with the standards set in either department of environmental quality circular #11 (for a spring) or circular #17 (for a cistern), whichever is applicable.

(3) If a non-public water supply system is used in accordance with (2)(b) above, an establishment must submit a water sample at least quarterly to a laboratory licensed by the department to perform microbiological analysis of public water supplies in order to determine that the water does not exceed the maximum microbiological contaminant levels stated in ARM 17.38.207, incorporated by reference in (1) above.

(4) An establishment must replace or repair the water supply system serving it whenever the water supply:

(a) contains microbiological contaminants in excess of the maximum levels contained in ARM 17.38.207, as incorporated by reference in (1) of this rule, or

(b) does not have the capacity to provide water adequate in quantity for drinking, cooking, personal hygiene, laundry, and water-carried waste disposal.

(5) Ice must be:

(a) obtained from a licensed supplier if it is not made from the establishment's water supply; and

(b) manufactured, stored, handled, transported and served in a manner which is approved by the department or local health authority as preventing contamination of the ice, and which meets the following specific standards:

(i) Ice must be stored in an automatic dispenser if:

(A) construction of the establishment was commenced on or after June 28, 1985, and dispensing of the ice is not under the direct control of the establishment's management; or

(B) in an establishment whose construction commenced prior to June 28, 1985, and in which dispensing of ice is not under the direct control of the establishment's management, the ice storage equipment fails and is replaced.

(ii) Where open bin ice storage is provided, an ice scoop must be readily available for use by guests or the management and stored either inside the bin or in a closed container protected from contamination.

(6) Ice storage bins may not be connected directly to any trap, drain, receptacle sink or sewer which discharges waste or to any other source of contamination.

(7) Handsinks and bathing facilities must be provided with water at a temperature of at least 100°F and not more than 120°F. (History: Sec. 50-51-103, MCA; IMP, Sec. 50-51-103, MCA; NEW, 1982 MAR p. 1049, Eff. 5/14/82; AMD, 1985 MAR p. 779, Eff. 6/28/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.116 SEWAGE SYSTEM (1) The department hereby adopts and incorporates by reference the following department of environmental quality publications setting construction and operation standards for sewage systems:

(a) Circular #84-10, "Sewers and Sewage Treatment for Multi-Family and Non-Residential Buildings"

(b) Circular #13, "The Sanitary Pit Privy." Copies of the above circulars may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.

(2) In order to ensure sewage is completely and safely disposed of, an establishment must:

(a) connect to a public sewage system meeting the requirements of ARM Title 17, chapter 38, subchapter 1; or

(b) if the establishment is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including guests, staff, and residents; and an adequate public sewage system is not available; utilize a non-public system whose construction and use meet the construction and operation standards contained in department of environmental quality circular #84-10, incorporated by reference in (1) of this rule.

(3) A sewage system design, other than the type described in this rule, may be utilized only if it is designed by an engineer registered in Montana and offers equivalent sanitary protection as determined by the department or local health authority.

(4) An establishment must replace or repair its sewage system whenever:

(i) it fails to accept sewage effluent at the rate of application;

(ii) seepage of effluent from, or ponding of effluent on or around, the system occurs;

(iii) contamination of a potable water supply or state waters is traced to effluent from the sewage system; or

(iv) a mechanical failure occurs, including electrical outage, or collapse or breakage of septic tank, inlet lines, or drainfield lines. (History: Sec. 50-51-103, MCA; IMP, Sec. 50-51-103, MCA; NEW, 1982 MAR p. 1049, Eff. 5/14/82; AMD, 1985 MAR p. 779, Eff. 6/28/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.117 SOLID WASTE In order to ensure that solid waste is safely stored and disposed of an establishment must:

(1) store all solid waste between collections in containers which have lids and are corrosion-resistant, flytight, watertight, and rodent-proof;

(2) clean all solid waste containers frequently;

(3) utilize exterior collection stands for the containers referred to in (1) of this rule which prevent the containers from being tipped, protect them from deterioration, and allow easy cleaning below and around them; and

(4) transport or utilize a private or municipal hauler to transport the solid waste at least weekly to a landfill site approved by the department in a covered vehicle or covered containers. (History: Sec. 50-51-103, MCA; IMP, Sec. 50-51-103, MCA; NEW, 1982 MAR p. 1049, Eff. 5/14/82; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 18 through 20 reserved

37.111.121 LAUNDRY FACILITIES (1) Laundries operated in conjunction with, or utilized by, an establishment must be provided with:

(a) mechanical washer and hot air tumble dryer. Manual washing and line drying of bed linen, towels and washcloths is prohibited. Dryers must be properly vented to prevent maintenance problems.

(b) A hot water supply system capable of supplying water at a temperature of 54°C (130°F) to the washer during all periods of use.

(c) Separate area for sorting and storing soiled laundry and folding and storing clean laundry.

(d) Separate carts for transporting soiled and cleaned laundry.

(e) Handwashing facilities including sink, soap, and disposable towels. A soak sink may double as a handwashing sink.

(2) Sheets, pillow covers, towels and washcloths must be machine washed at a minimum temperature of 54°C (130°F) for a minimum time of 8 minutes and dried in a hot air tumble dryer or ironed at a minimum temperature of 150°C (300°F). (History: Sec. 50-51-103, MCA; IMP, Sec. 50-51-103, MCA; NEW, 1982 MAR p. 1049, Eff. 5/14/82; AMD, 1985 MAR p. 779, Eff. 6/28/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.122 HOUSEKEEPING AND MAINTENANCE (1) An establishment must comply with the following housekeeping and maintenance requirements:

(a) In each establishment daily housekeeping and maintenance services must be provided.

(b) Each janitor room must be kept clean, ventilated and free from odors.

(c) Mop heads, when used, must be changed frequently using laundered replacements.

(d) Toilets, bathtubs, lavatories, and showers may not be used for washing and rinsing of mops, brooms, brushes, or any other cleaning devices.

(e) The transporting, handling and storage of clean bedding must be done in such a manner as to preclude contamination by soiled bedding or from other sources.

(f) Cleaners used in cleaning bathtubs, showers, lavatories, urinals, toilet bowls, toilet seats, and floors must contain fungicides or germicides.

(g) Deodorizers and odor-masking agents may not be used unless the room in which used is clean to sight and touch.

(h) Cleaning devices must be kept separate and used only as follows: Toilet bowl brushes, mops, sponges, must be only for cleaning toilet bowl and urinals. Cleaning devices used for lavatories, showers and bathtubs may not be used for any other purpose.

(i) Dry dust mops and dry dust cloths for cleaning purposes are prohibited. Dusting and cleaning shall be accomplished using treated mops, wet mops, treated cloths, and moist cloths or other means approved by the department or health authority which will not serve to spread soil from one place to another.

(j) Establishments must be kept free of harborage for insects, rodents and other vermin.

(k) All bedding, towels, and wash cloths provided by management must be clean and in good repair. At least weekly, clean bed linens must be made available to each guest. At least daily, clean wash cloths and towels must be made available to each guest. Soiled linens, soiled wash cloths, or soiled towels are not to be left in units for subsequent guests.

(l) All furnishings, fixtures, floors, walls, and ceilings must be clean and in good repair.

(m) Cleaning compounds and pesticides must be stored, used, and disposed of in accordance with the manufacturer's instructions.

(n) Glasses, pitchers, ice buckets, and other utensils used for food or drink provided in units for use by guests may not be washed or sanitized in any lavatory or janitor sink. Approved facilities for washing, rinsing, and sanitizing glasses, pitchers, ice buckets, and other utensils must be provided. In absence of approved washing facilities, single service utensils must be used.

(o) All utensils used for food or drink provided in units for use by guests must be stored, handled, and dispensed in a manner which precludes contamination of the utensil prior to use by a guest. (History: Sec. 50-51-103, MCA; IMP, Sec. 50-51-103, MCA; NEW, 1982 MAR p. 1049, Eff. 5/14/82; AMD, 1985 MAR p. 779, Eff. 6/28/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.123 SWIMMING AND BATHING AREAS (1) The department hereby adopts and incorporates by reference ARM Title 16, chapter 10, subchapter 12 and Title 37, chapter 111, subchapter 10, stating construction and operating requirements for swimming pools and swimming areas. A copy of ARM Title 16, chapter 10, subchapter 12 and Title 37, chapter 111, subchapter 10 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.

(2) The construction and operation of any swimming pool, hot bath, mineral bath, or public swimming place which serves an establishment shall be in accordance with Title 50, chapter 53, MCA, and ARM Title 16, chapter 10, subchapter 12 and Title 37, chapter 111, subchapter 10. (History: Sec. 50-51-103, MCA; IMP, Sec. 50-51-103, MCA; NEW, 1982 MAR p. 1049, Eff. 5/14/82; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.124 FOOD SERVICE REQUIREMENTS (1) Where a food service is operated as an integral part of an establishment, compliance with ARM Title 37, chapter 110, subchapter 2, rules for food service establishments is required.

(a) If the food service is available only to residents of the establishment, licensure as a food service establishment is not required. (History: Sec. 50-51-103, MCA; IMP, Sec. 50-51-103, MCA; NEW, 1981 MAR p. 1898, Eff. 1/1/82; TRANS, from 16.10.626, 1982 MAR p. 1049, Eff. 5/14/82; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 25 through 29 reserved

NEXT PAGE IS 37-27673

ADMINISTRATIVE RULES OF MONTANA

12/31/01

37-27663

37.111.130 GUEST REGISTRATION (1) In each establishment, a register of all guests, including name and home address of guest and unit to which the guest was assigned, must be maintained. (History: Sec. 50-51-103, MCA; IMP, Sec. 50-51-103, MCA; NEW, 1982 MAR p. 1049, Eff. 5/14/82; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 31 through 34 reserved

37.111.135 MINIMUM PERFORMANCE REQUIREMENTS FOR LOCAL HEALTH AUTHORITIES (1) To qualify for reimbursement under 50-51-303, MCA, the local board of health must either enter into a written, signed cooperative agreement with the department that establishes the duties and responsibilities of the local board of health and the department consistent with this subchapter, or meet each of the following requirements:

(a) At least one sanitarian working with or for the local board of health must receive training from the department in public accommodation inspection techniques. The department is responsible for making training available on a periodic basis.

(b) The local board of health must ensure that the following are done by the local health officer, sanitarian, or sanitarian-in-training:

(i) Upon notification by the department or the establishment, a prelicensing inspection is made to determine compliance with the requirements of this subchapter.

(ii) Each establishment within the jurisdiction of the local board of health is inspected at least once every 12 months, or on the schedule specified in a signed agreement with the department.

(iii) Quarterly inspection reports are submitted to the department within 10 days following the close of each quarter of the fiscal year (1st quarter--September 30; 2nd quarter--December 31; 3rd quarter--March 31; 4th quarter--June 30) on forms approved by the department.

(iv) All documentation of enforcement of this subchapter, including but not limited to inspection reports, consumer complaints, illness investigations, plans of correction, and enforcement actions, is retained for 5 years and copies of the documentation are submitted or otherwise made available to the department upon request.

(2) A failure by the local board of health to meet all of its responsibilities under the cooperative agreement or under (1)(a) and (b) above shall result in the withholding of funds from the local board reimbursement fund in an amount to be determined by the department. (History: Sec. 50-51-303, MCA; IMP, Sec. 50-51-303, MCA; NEW, 1994 MAR p. 2941, Eff. 11/11/94; TRANS, from DHES, 2001 MAR p. 2425.)

Subchapter 2

Trailer Courts and Tourist Campgrounds

37.111.201 DEFINITIONS Terms defined in 50-52-101, MCA, supplement those defined herein. The following definitions apply when used in this subchapter unless the context clearly indicates otherwise:

(1) "Act" means the campgrounds and trailer courts act, found in Title 50, chapter 52, Montana Code Annotated.

(2) "Alter" means to change the purpose or use of an existing trailer court or campground by the public.

(3) "Applicant" means the person whose signature appears on the license application or plan submittal.

(4) "Approved" means authorized in writing by the department.

(5) "Building authority" means the building codes bureau, department of labor and industry, or its local authorized agent.

(6) "Cabin" means a hard-sided structure occupying a campsite that is set on a permanent foundation and may have:

(a) plumbing, including running potable water or a toilet; and

(b) linens or daily housekeeping service.

(7) "Camping trailer" means a vehicular portable unit mounted on wheels and designed for travel, recreation, and vacation, and constructed with collapsing partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

(8) "Campsite" means that part of a campground where a cabin is located or that is designated for a tent space or trailer space.

(9) "Contamination" means impairment or other alteration of the physical, chemical, or biological properties of water, including causing violation of the surface water quality standards contained in ARM Title 17, chapter 38, subchapter 6 or the maximum contaminant levels for public water supplies contained in ARM Title 17, chapter 38, subchapter 2 or otherwise creating a hazard to human health.

(10) "Dependent recreational vehicle" means a recreational vehicle that lacks one or more of the following: toilet, lavatory, or waste water tank.

(11) "Enlarge" means to add trailer spaces or campsites onto an existing trailer court or campground.

- (12) "Fifth wheel trailer" means a vehicular unit that is:
- (a) mounted on wheels;
 - (b) designed to provide temporary living quarters for recreational, camping, or travel use;
 - (c) of such size or weight that it does not require a special highway movement permit;
 - (d) of gross trailer area not to exceed 400 square feet (37.2m²) in the set-up mode; and
 - (e) designed to be towed by a motorized vehicle that has a towing mechanism mounted above or forward of the tow vehicle's rear axle.
- (13) "General services campground" means a campground used for public camping that provides on-site water supply, sewage disposal, solid waste disposal, and other services such as laundry or groceries.
- (14) "Independent recreational vehicle" means a recreational vehicle that has a toilet, lavatory, bathing facilities, and waste holding tank. Omission of one or more of these facilities will classify the recreational vehicle as a dependent recreational vehicle.
- (15) "Lateral" means that portion of the water system or sewerage system that extends horizontally from the water or sewer main to the water or sewer riser pipe.
- (16) "License" means a written permit issued by the department authorizing a person to operate a campground or trailer court under the provisions of this subchapter.
- (17) "Limited services campground" means a campground used for public camping that is accessible by a motorized vehicle and provides the following services only:
- (i) an adequate and potable water supply, if required and as determined under ARM 37.111.206.
 - (ii) adequate sewage disposal, as determined under ARM 37.111.207; and
 - (iii) adequate solid waste disposal, as determined under ARM 37.111.217.
- (18) "Local health authority" means the local health officer, local sanitarian, or other authorized representative of the local government having jurisdiction.

(19) "Manufactured home" includes a mobile home as referred to in 50-52-101(7), MCA, and means a structure in one or more sections that:

(a) is 8 body feet or more in width or 40 body feet or more in length in the traveling mode;

(b) when erected on-site, is 320 or more square feet in size;

(c) is built on a permanent chassis; and

(d) is designed to be used as a dwelling for human occupancy or use upon connection to required utilities, including plumbing, heating, and electrical systems.

(20) "Motor home" means a vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use that is built on or attached to a self-propelled motor vehicle chassis or to a chassis cab or van.

(21) "Park trailer" means a recreational vehicle that:

(a) is built on a single chassis mounted on wheels;

(b) has a gross trailer area that does not exceed 400 square feet in the set-up mode; and

(c) is certified by the manufacturer as complying with American national standards institute (ANSI) A119.5 standards.

(22) "Plan submittal" means the information and fees required under ARM 37.111.205.

(23) "Potable water" means water that is safe for human consumption in terms of bacteriological and chemical quality, as determined by the department using public drinking water standards set forth in ARM Title 17, chapter 38, subchapter 2.

(24) "Primitive campground" means a campground that is used for backcountry camping and does not have any services.

(25) "Public" means individuals in general without restriction or selection.

(26) "Public sewage system" means a public sewage system as defined in 75-6-102, MCA.

(27) "Public water supply system" means a public water supply system as defined in 75-6-102, MCA.

(28) "Recreational vehicle" or "RV" means a vehicular unit designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, and that either has its own power or is mounted on, or towed by, another vehicle. The basic types of RVs are: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, and truck camper.

(29) "Sanitary station" means a facility designed for accepting wastes from holding tanks on recreational vehicles.

(30) "Service building" means a structure housing shower or bath, toilet, lavatory, or other facilities required by this subchapter.

(31) "Sewer connection" means the connections consisting of all pipes, fittings, and appurtenances from the drain outlet of the trailer to the inlet of the corresponding sewer riser pipe of the sewage system serving the campground or trailer court.

(32) "Sewer riser" means that portion of the sewer lateral which extends vertically above the ground elevation and terminates at each trailer space.

(33) "State waters" means state waters as defined in 75-5-103, MCA.

(34) "Stop-and-waste valve" means any unit that permits the outlet valve to be drained through a port or drain hole provided in the valve.

(35) "Tent" means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors.

(36) "Tent space" means that part of a campground designated for the placement of a single tent and the exclusive use of its occupants. A tent space does not include a pitched tent on a designated trailer space that is used for sleeping purposes by persons who have rented the trailer space.

(37) "Trailer" means a trailer as referred to in 50-52-101(7), MCA. Trailers include, but are not limited to, manufactured homes and recreational vehicles. A trailer may be either dependent or independent, depending upon its features.

(38) "Trailer space" means that part of a campground or trailer court designated for the placement of a single trailer and the exclusive use of its occupants.

(39) "Travel trailer" means a vehicular unit, mounted on wheels, that:

(a) is designed to provide temporary living quarters for recreational, camping, or travel use;

(b) has a size and weight that does not require a special highway movement permit when towed by a motorized vehicle; and

(c) has a gross trailer area of less than 320 square feet (29.7m²).

(40) "Truck camper" means a portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, and designed to be loaded onto and unloaded from the bed of a pickup truck.

(41) "Water connection" means the connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the trailer.

(42) "Water riser" means that portion of the water lateral which extends vertically above the ground elevation and terminates at a designated point at each trailer space or water station.

(43) "Water station" means a facility for supplying potable water to the water storage tanks of trailers or other potable water containers. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1098, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.202 INCORPORATION BY REFERENCE (1) For purposes of this subchapter, the department hereby adopts and incorporates by reference the provisions of ARM Title 17, chapter 30, subchapter 6 and Title 17, chapter 38, subchapter 2, containing, respectively, public water supply maximum contaminant levels and surface water quality standards; and ARM 37.111.205, setting requirements for layout plan review. Copies of ARM Title 17, chapter 30, subchapter 6 and Title 17, chapter 38, subchapter 2, and 37.111.205 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 03 and 04 reserved

NEXT PAGE IS 37-27699

ADMINISTRATIVE RULES OF MONTANA

12/31/01

37-27695

37.111.205 LAYOUT PLAN REVIEW (1) A person proposing to construct, alter, or enlarge a general services campground, limited services campground, or trailer court must submit scaled layout plans and specifications of the proposal to the department and the local health authority. Facilities proposed in the plans and specifications must meet the requirements of this rule, ARM 37.111.206 and 37.111.207. Department approval of the plans and specifications must be obtained prior to constructing a campground or trailer court or altering or enlarging an existing campground or trailer court.

(a) If the proposal includes a service building, cabin, cooking shelter, or other structure that will be available for public use, plans and specifications for these facilities must also be submitted to the department and local health authority, and approval must be obtained from the department.

(b) If layout plans submitted to the department include a combination of general services and limited services campgrounds, then each campground type and location must be clearly designated in the plans.

(c) If the proposal submitted to the department also qualifies as a subdivision, public water supply system, or public sewage system, plans for the water supply system, sewage system, solid waste disposal method and surface drainage control for a campground or trailer court must be prepared and submitted to the department and the local health authority in accordance with the subdivision plan review requirements in ARM Title 17, chapter 36, subchapter 3, and the public water supply requirements in ARM Title 17, chapter 38, subchapter 1, as applicable.

(2) Layout plans must be drawn in detail and to scale, and must show:

- (a) name and address of developer;
- (b) name and address of architect, engineer, or designer;
- (c) legal description of property;
- (d) number and size of all trailer spaces and campsites and detail of each typical trailer space or campsite;
- (e) water service lateral pipe size, material, and location on layout plan;
- (f) sewer service lateral pipe size, material, gradient, and location on layout plan;
- (g) detail of water and sewer line crossings;
- (h) cross section of water riser indicating pipe size and material;
- (i) cross section of stop-and-waste valve and drain system;

- (j) cross section of sewer riser indicating pipe size, material, and provisions for capping when not in use;
 - (k) location of water and sewer riser on typical trailer space;
 - (l) location and detail of each watering station;
 - (m) location and detail of each sanitary station;
 - (n) location and detail of each solid waste storage area;
 - (o) location and detail of service building and any other building;
 - (p) information relating to the water supply and distribution system; sewage collection, treatment, and disposal system; surface drainage; and solid waste disposal as required by ARM 17.36.104; and
 - (q) evidence that the required license application fee assessed under ARM 37.111.211 has been paid. This fee is nonrefundable.
- (3) The plans and specifications must also show at least 20 feet of side-by-side separation distance between manufactured homes in trailer courts.
- (4) Existing utilities in a proposed campground or trailer court may be used only if it can be shown to the department that the existing utilities meet or exceed current standards. Conversion of a campground or trailer court from one type to another must be approved by the department.
- (5) Within 60 days after the receipt of an incomplete plan submittal the department will make any deficiencies known to the applicant.
- (6) Within 60 days after the receipt of a complete plan submittal the department must take final action, unless an environmental impact statement is required, at which time this deadline may be increased to 120 days or a later time if agreed to by the applicant.
- (7) If, after review of plans and specifications for the proposed campground or trailer court, the department is satisfied that the campground or trailer court meets the requirements of this subchapter, approval will be given authorizing construction of the campground or trailer court for purposes of this subchapter only.
- (8) Approval to construct is for a period not to exceed 2 years, after which, if construction has not begun, plans and specifications must again be submitted for re-evaluation under rules in effect at the time of resubmittal. Any period of non-licensure for 2 or more years also requires re-submittal of plans and specifications for review and approval by the department before the campground or trailer court is relicensed.

(9) A campsite or trailer space in a proposed campground or trailer court or proposed addition to an existing campground or trailer court may not be occupied until:

(a) the department has approved the proposed plans and specifications;

(b) the applicant demonstrates that all improvements have been made as described in the approved plans;

(c) an inspection has been made by the local health authority or department to confirm that fact; and

(d) the local health authority has validated the license application.

(10) Layout plans submitted under this rule are reviewed under authority provided by Title 50, chapter 52, MCA, and this subchapter. Department approval of layout plans under this subchapter does not constitute approval for compliance with building codes, fire codes, or other state, federal, or local requirements (including compliance with the Americans with Disabilities Act, Public Law 101-336).

(11) The department hereby adopts and incorporates by reference the provisions of ARM 17.36.104, setting out information to be included in an application for subdivision approval; ARM Title 17, chapter 36, subchapter 3, setting out subdivision plan review requirements; and Title 17, chapter 38, subchapter 1, which describes plan submittal requirements for public water supply systems and public sewage systems. Copies of ARM 17.36.104; Title 17, chapter 36, subchapter 3, and Title 17, chapter 38, subchapter 1; may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1101, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.206 LAYOUT PLAN: WATER SUPPLY REQUIREMENTS

(1)(a) A person that submits a layout plan under ARM 37.111.205 must obtain department approval of plans and specifications that meet the requirements of this rule. Approval under this subchapter does not remove the need to obtain other approvals that may be required under other state, local, or federal laws (including compliance with the Americans with Disabilities Act, Public Law 101-336).

(b) If an existing public water supply of satisfactory quantity and pressure is available, and the owner of the public water system agrees to provide service, connection must be made to the public water system and its supply used exclusively except for non-potable water uses approved by the department in writing. If a satisfactory existing public water supply is not available, a private or public water supply system for potable water uses must be developed and used as approved by the department.

(c) All general services and limited services campground spaces for tents or dependent trailers must either be directly served by a water supply, within 300 feet of a common water station, or otherwise have a water supply approved by the department under (2) of this rule. A water station consists of at least a water hydrant and the necessary appurtenances, and must be protected against backflow, back siphonage, and hose contamination. A water station must be separately located from the sanitary station to ensure that the water station hose is not used to flush sewage from the sewage holding tank.

(d) If facilities for individual water service connections are provided, the following requirements apply:

(i) A water riser provided for individual water service connections must be located and constructed to minimize potential for damage from parking of trailers. Protection may consist of posts, fences, or other permanent barriers.

(ii) A water riser for a campground must extend at least 24 inches above ground elevation, and a water riser for a manufactured home court must extend at least 4 inches above ground elevation. Surface water must be directed away from the riser, and the pipe size must be at least 3/4 of an inch.

(iii) Adequate provisions must be made to prevent freezing of service lines, valves and water risers.

(iv) A backflow prevention device must be installed for each water riser in the water service line at or near the outlet.

(v) A stop-and-waste valve and cock must be installed at the base of a water riser at least 6 feet below the ground surface unless otherwise approved by the department in writing.

(vi) There must be at least 10 feet horizontal distance between a sewer line connection and a stop-and-waste valve.

(vii) Valves must be provided for the outlet of each water service connection.

(e) A water service lateral must be constructed as follows:

(i) Pipe used for a water service lateral must be copper, 160 psi-rated plastic approved for potable water supply use under the state plumbing requirements described in ARM 24.301.30(1), or an equivalent approved by the department.

(ii) Inside pipe diameter must be a minimum of 3/4-inch.

(iii) A water service lateral must be laid at least 10 feet horizontally from any existing or proposed sewer line or in a manner allowed under the state plumbing requirements described in ARM 24.301.301(1).

(iv) A water service lateral crossing a sewer line must be laid to provide a minimum vertical distance of 18 inches between the bottom of the water service lateral and the top of the sewer line or in a manner allowed under the state plumbing requirements described in ARM 8.70.302(1).

(2) The department, upon consultation with the local health authority, may allow a deviation from a specific requirement of (1)(c) through (e) above for a general services campground and may allow a deviation from a specific requirement of (1)(b) through (e) above for a limited services campground, including the requirement that a limited services campground must have a potable water supply, upon demonstration by the applicant to the department that the deviation does not have the potential to cause adverse public health effects. To be eligible for a deviation from the requirement that a limited services campground have a potable water supply, the applicant must submit to the department a plan that describes measures which will ensure that:

(a) the public is informed of the absence of a potable water supply at the campground; and

(b) the public is warned that existing water in the area of the campground is not suitable for drinking or other uses that may adversely affect public health.

(3) Upon department approval of plans and specifications, the water supply for the campground or trailer court, as applicable, must be constructed as designed in the plans and specifications.

(4) Upon installation of a water supply system approved under this rule, the system must be tested for pressure and leakage using procedures and requirements set forth in American Water Works Association American National Standard C600-87 (June 14, 1987 Approval).

(5) Extension, alteration, repair, or replacement of a water supply system or development of a new water supply system must meet the requirements of ARM 17.36.301 through 17.36.305 and, if the system is a public water supply system, ARM 16.20.405, 17.38.101 and 17.38.105.

(6) The department hereby adopts and incorporates by reference the provisions of ARM 17.36.301 through 17.36.305, which describe subdivision review requirements for water systems; ARM 16.20.405, 17.38.101 and 17.38.105, stating requirements for public water and sewer plans, cross connections, and drilling of water wells; the state plumbing requirements described in ARM 24.301.301(1), which describes comprehensive requirements for laying of pipes and standards for pipe used to supply potable water; and American Water Works Association American National Standard C600-87 (June 14, 1987 Approval), which describes requirements for installation of water mains. Copies of ARM 17.36.301 through 17.36.305, 16.20.405, 17.38.101, 17.38.105 and 24.301.301(1), and American Water Works Association National Standard C600-87 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1995 MAR p. 634, Eff. 4/28/95; AMD, 1996 MAR p. 161, Eff. 1/12/96; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.207 LAYOUT PLAN: SEWAGE SYSTEM REQUIREMENTS

(1)(a) A person that submits a layout plan under ARM 37.111.205 must obtain department approval of plans and specifications that meet the requirements of this rule. Approval under this subchapter does not remove the need to obtain other approvals that may be required under other state, local, or federal laws (including compliance with the Americans with Disabilities Act, Public Law 101-336). For example, a local board of health may adopt a regulation governing sewage systems under 50-2-116, MCA, that is more stringent than the requirements in this rule.

(b) A limited services campground may use a sealed vault pit privy or alternative system approved by the department for sewage disposal, provided the system does not place sewage in a location likely to cause pollution of state waters, in violation of Title 75, chapter 5, MCA, or pose potential adverse public health effects.

(c) If a public sewage system of adequate capacity is available, and the owner of the public sewage system agrees to provide service, connection must be made to the public sewage system and its services used exclusively. If a public sewage system is not available, a multiple family or public system must be developed and used as approved by the department. The system must be designed and constructed in accordance with ARM 17.36.302, 17.36.304, 17.36.305, 17.38.101, and 17.38.105, whichever is appropriate.

(d) A sanitary station is required in each general services campground that provides trailer space for recreational vehicles, unless the following circumstances exist:

(i) each trailer space is provided with an individual sewer riser;

(ii) a sanitary station accepted by the department or local health authority is available for public use on a full-time basis within 15 miles from the campground, and the campground owner or operator has posted a sign at the campground stating the location of the nearest available sanitary station; or

(iii) the department determines that installation of a sanitary station is not feasible because of lack of electricity, water under pressure, or other sanitary reasons, and the campground is designed for use only by tent campers or by recreational vehicles.

(e) If a sanitary station is required, as determined under (d) above, there must be at least one station for every 100 trailer spaces lacking individual sewer risers.

- (f)(i) A sanitary station consists of:
 - (A) a minimum 4-inch sewer riser connected to the trailer court or campground sewage system;
 - (B) a concrete apron at the inlet end that is at least 4 feet square and sloped to the drain;
 - (C) a suitable self-closing hinged cover over the center drain;
 - (D) a water outlet with approved anti-back siphoning devices connected to the trailer court or campground water supply system to permit periodic washdown of the immediate adjacent area; and
 - (E) other features that ensure that the requirements of ARM 17.36.302 and 17.36.305, as applicable, are met.
- (ii) The sanitary station apron must be in good repair and must prevent sewage from puddling or becoming a nuisance.
- (iii) Signs must be placed at all sanitary stations stating the water is unsafe for drinking.
- (g) If facilities for individual sewer connections are provided, the following requirements apply:
 - (i) The sewer riser must have a 4-inch diameter and must be located on the trailer space so that a sewer connection to the trailer drain outlet will approximate a vertical position. The sewer riser must be separated from the water riser by at least 6 feet at finished grade.
 - (ii) Surface drainage must be diverted away from the riser.
 - (h) A sewer service lateral must be constructed as follows:
 - (i) The lateral must be water tight at all points.
 - (ii) The lateral must be constructed of schedule 40 PVC, schedule 40 ABS, or other pipe approved under the state plumbing requirements described in ARM 24.301.301(1) as a drain, waste, or vent pipe.
 - (iii) Lateral pipe size must be a minimum of 4 inches in diameter.
 - (iv) The lateral must be sloped to maintain a 2-foot/second flow velocity (1/8-inch per foot for 4-inch line).
 - (i) The below-ground sewer connection must have a nominal inside diameter of at least 3 inches and the slope of any portion of the connection must be at least 1/4-inch per foot. The sewer connection must consist of one pipe line only, without any branch fitting. Each joint must be watertight.

(j) All materials used for sewer connections must meet the state plumbing requirements as described in ARM 24.301.301(1). An exception to this requirement is that the "flex hose" may be used for making the sewer connection only in a campground and only when the connection will be made for 30 days or less when restricted to RVs that are located on designated trailer spaces and are not skirted.

(2) The department, upon consultation with the local health authority, may allow a deviation from a specific requirement set forth under (1)(d) through (j) above, upon demonstration by the applicant to the department that the deviation does not have the potential to cause adverse public health effects or pollution of state waters.

(3) Upon department approval of plans and specifications, the sewage disposal system for the campground or trailer court, as applicable, must be constructed as designed in the plans and specifications.

(4) Upon installation of a sewage disposal system, the system must be tested by filling with water or other equivalent means approved by the department. For a system lateral constructed of schedule 40 PVC or standard weight cast iron pipe, the applicable test, unless approved otherwise by the department, is exposure to a pressure of at least a 10-foot head of water for a minimum of 15 minutes. If the sewage disposal system leaks during the test, the system may not be put into service until the leak is repaired.

(5) Extension, alteration, or replacement of any sewage system must be in accordance with ARM 17.36.301 through 17.36.305 and, if the system is a public sewage system, ARM 17.38.101 and 17.38.105.

(6) The department hereby adopts and incorporates by reference the provisions of ARM 17.36.302 through 17.36.305, setting standards for sewage treatment and disposal systems; ARM 17.38.101 and 17.38.105, setting requirements for public water and sewer plans and cross connections; and ARM 24.301.301(1), which describes state plumbing requirements for sewage systems. Copies of ARM 17.36.302 through 17.36.305, 17.38.101, 17.38.105, and 24.301.301(1) may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, P.O. Box 202951, Helena, MT 59620-2951, or the Department of Environmental Quality, Water Quality Division, P.O. Box 200901, Helena, MT 59620-0901. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 08 through 10 reserved

NEXT PAGE IS 37-27713

ADMINISTRATIVE RULES OF MONTANA

12/31/01

37-27707

37.111.211 LICENSURE (1) It is unlawful for any person to operate a campground or trailer court unless the person holds a current license issued by the department and validated by the local health officer in the name of the person for the specific campground or trailer court.

(2) The applicant shall submit a nonrefundable \$40 license application fee to the department. An applicant shall submit a complete application and fee prior to opening the establishment for use.

(3) The department or the local health authority shall make a pre-licensing inspection after a complete license application and fee have been received. A license will be issued if the campground or trailer court is in compliance with this subchapter and the act. If the establishment is not in compliance with this subchapter and the act, the department shall commence proceedings to deny the license application pursuant to 50-52-207, MCA.

(4) A licensee shall give notice in writing to the department at least 30 days prior to selling, transferring, giving away, or otherwise disposing of interest in or control of any campground or trailer court. The notice must include the name and address of the person succeeding to the ownership or control of the campground or trailer court.

(5) Upon receiving a complete application in writing for issuance or renewal of a license and a fee of \$40, the department shall issue or renew the license if the campground or trailer court is in compliance with all applicable provisions of the act and this subchapter.

(6) The holder of a license for a general services campground, limited services campground, or trailer court must post the license on the property at a location approved by the department or local health authority.

(7)(a) Except as provided in (b), the licensee or manager of a trailer court or campground may not accept camping units that would exceed the number and types of sites approved under the license for the campground.

(b) A campground may accommodate an overflow of camping units for a period that may not exceed 14 days in a calendar year if the local health authority issues written approval for the overflow prior to its occurrence and the campground licensee or manager has ensured that adequate public health measures, including provision of sewage and solid waste disposal and potable water, are provided for the overflow. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, 50-52-201, 50-52-202 and 50-52-203, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1103, Eff. 5/28/82; AMD, 1982 MAR p. 1484, Eff. 7/30/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.212 INSPECTIONS AND COMPLIANCE REQUIREMENTS

(1) A licensee shall permit representatives of the department or local health authority to inspect the campground or trailer court at reasonable hours for determining compliance with the requirements of the act and this subchapter.

(2) A licensee shall arrange for access to any part of the trailer space or campsite at reasonable times for the purpose of making necessary repairs or alterations to effect compliance with this subchapter or with any lawful order issued pursuant to the provisions of this subchapter.

(3) Within 15 days after each inspection, representatives of the department or the local health authority shall give the operator a copy of an inspection report that notes any deficiencies and sets a time schedule for compliance.

(a) If plans for correction are not required, the department or health authority shall determine an acceptable time schedule for correction.

(b) If plans for correction are required, the licensee shall submit necessary plans that include a proposed time schedule for corrective measures. The time schedule and plans, if approved, shall become conditions of licensure.

(4) Modifications are not required for the water supply system or sewage system serving a campground or trailer court approved and constructed in accordance with a prior regulation, unless upgrading is necessary due to system failure as described in ARM 37.111.215(3) and 37.111.216(4).

(5) Violation of this subchapter or the act may be subject to an action for injunctive relief by the department pursuant to 50-1-103, 50-52-104, or 50-52-106, MCA, or a criminal charge may be brought pursuant to 50-52-105, MCA.

(6) A local board of health may adopt regulations which are more stringent than this subchapter, pursuant to 50-2-116, MCA. (History: Sec. 50-52-102, MCA; IMP, 50-52-102, 50-52-103 and 50-52-301, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1104, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 13 and 14 reserved

NEXT PAGE IS 37-27719

37.111.215 WATER SUPPLY: ONGOING REQUIREMENTS

(1)(a) An adequate and potable supply of water must be provided in:

(i) any new or enlarged limited services campground approved by the department on or after April 28, 1995, unless the department grants a deviation for the campground under ARM 37.111.206(2).

(ii) each trailer court; and

(iii) any general services campground.

(b) A supplier of a private or multiple family water supply shall conduct a coliform bacteria test of the system at least once in the spring quarter (April 1-June 30) and once in the summer quarter (July 1-September 30) of each year, and a nitrate test of the system at least once every 3 years.

(c) A supplier of a public water supply must undertake sample analyses for its system according to ARM Title 17, chapter 38, subchapter 2.

(d) An operator or licensee of a trailer court, general services campground, or limited services campground that has a water supply that is not used for human drinking or domestic purposes and is not analyzed under (b) or (c) above, shall post a sign at a conspicuous location near the water supply source stating that the water may be unsafe for human consumption or contact.

(2) An operator of a community public water supply system serving a trailer court must be certified in compliance with Title 37, chapter 42, MCA, and ARM 17.40.201 through 17.40.203.

(3) A water supply system is determined to have failed and to require replacement or repair when the water supply becomes unsafe (exceeds the maximum contaminant levels as specified in ARM 17.38.201 through 17.38.207) or inadequate (less than 20 psi measured at the extremity of the distribution line during peak usage).

(4) Extension, alteration, repair, or replacement of a water supply system, or development of new water supply systems must be in accordance with ARM 17.17.301 through 17.17.305 and, if the system is a public water supply system, ARM 16.20.405, 17.38.101 and 17.38.105.

(5) The department hereby adopts and incorporates by reference the provisions of ARM 17.40.201 through 17.40.203 and 17.40.206 through 17.40.208, which describe operator certification requirements; ARM Title 17, chapter 38, subchapter 2, stating maximum allowable contaminant levels, sampling, and other requirements for public water supplies; and ARM 17.36.301 through 17.36.305, which describe water system review requirements for subdivisions. Copies of the above mentioned rules may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, P.O. Box 202951, Helena, MT 59620-2951, or the Water Quality Division, Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/82; AMD, 1982 MAR p. 1104, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.216 SEWAGE SYSTEM (1)(a) Except for primitive campgrounds, an adequate and safe sewage system must be provided in each campground or trailer court for conveying, treating and disposing of all sewage. In addition, all campground and trailer court operators must take immediate measures to alleviate health and sanitation hazards caused by sewage at the campground or trailer court.

(b) Under this subchapter, a limited services campground may use a sealed vault pit privy or alternative system approved by the department for sewage disposal, provided the system does not place sewage in a location likely to cause pollution of state waters, in violation of Title 75, chapter 5, MCA, or pose potential adverse public health effects. Other regulations, including local ordinances, may preclude use of such systems.

(2) An operator of a public sewage system serving a campground or trailer court must be certified in compliance with Title 37, chapter 42, MCA.

(3) A sewage system has failed and requires replacement or repair if any of the following conditions occur:

(a) The system fails to accept, treat, or dispose of sewage as designed;

(b) Effluent from the sewage system contaminates a potable water supply or state waters; or

(c) The sewage system is subjected to mechanical failure, including electrical outage, or collapse or breakage of a septic tank, lead line, or drainfield line.

(4) Extension, alteration, or replacement of any sewage system must be in accordance with ARM 17.36.301 through 17.36.305 and, if the system is a public sewage system, ARM 17.38.101 and 17.38.105.

(5) Provisions must be made for plugging or capping the sewer riser pipe with a tamper resistant cap when a trailer does not occupy the space. The cap must provide an air tight seal.

(6) Liquid wastes from sinks, showers, toilets, or baths are not allowed to accumulate on the ground surface. Such waste must be discharged into the sewage system serving the trailer court or campground or into an alternate system approved by the department and local health authority.

(7) The department hereby adopts and incorporates by reference the provisions of ARM 17.36.301 through 17.36.305, setting standards for sewage treatment and disposal systems; and 17.38.101 and 17.38.105, setting requirements for public water and sewer plans and cross connections. Copies of the above rules may be obtained from the Department of Public Health and Human Services, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1106, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.217 SOLID WASTE: STORAGE AND DISPOSAL (1) The licensee or manager of a campground or trailer court must ensure that the storage, collection and disposal of solid waste does not cause health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

(2) The licensee or manager of any campground or trailer court must take immediate measures to alleviate public health or sanitation hazards presented by the presence of solid waste at the campground or trailer court. The licensee or manager must also comply with the following, unless the campground is a primitive campground or a limited services campground that does not provide solid waste storage, collection, or disposal services and meets the requirements of (1):

(a) All solid waste must be stored in flytight, watertight, rodent-proof containers or in other suitable containers with secured lids. The containers must be located not more than 300 feet from any trailer space or campsite. Containers must be provided in sufficient number and capacity to properly store all solid waste between collections.

(b) A solid waste collection stand must be provided for each solid waste container. The stand must be designed to prevent tipping, minimize spillage and container deterioration, and facilitate cleaning. All solid waste containers must be secured in the stand.

(c) All solid waste containing organic material capable of spoilage must be collected at least weekly. If suitable collection service is not available from municipal or private agencies, the owner or operator of the campground or trailer court shall transport the solid waste off-site. All solid waste must be collected and transported in a covered vehicle or covered containers to a solid waste disposal facility licensed by the department. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1109, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.218 NOXIOUS PLANT, ANIMAL, DUST AND OTHER PUBLIC HEALTH CONTROLS (1) The licensee or manager of any campground or trailer court must take immediate measures to alleviate public health or sanitation hazards presented by the presence of solid waste at the campground or trailer court.

(2) The grounds, buildings and structures of a campground or trailer court must be maintained free of harborage for insects, rodents, and other vermin. Extermination methods and other measures to control insects and rodents must conform with the requirements of the local health authority.

(3) Each campground and trailer court, with the exception of a primitive campground, must meet the following standards:

(a) All areas must be maintained free of accumulations of litter, rubbish, debris, burnable materials, or standing water which may provide rodent harborage or breeding places for flies, mosquitoes, rodents, and other pests.

(b) Where potential for rodent infestation exists, storage areas and vegetative growth must be maintained so as to prevent rodent harborage.

(c) Where the potential for insect and rodent infestation exists, any skirting of trailers must be of a type and construction which will not provide harborage. Where trailers are skirted, an access opening must be provided near service connections.

(d) The growth of brush, weeds and grass must be controlled to prevent harborage of noxious insects and other vermin. Vegetation and waste materials creating rodent harborage are not allowed within 100 feet of established structures.

(e) Campgrounds and trailer courts must be maintained to prevent the growth of noxious weeds considered detrimental to health.

(f) Trailer court roadways must be maintained in a manner that minimizes exposure of residences to continuing dust problems.

(g) All electrical cords used at a campground or trailer court must be in good repair. Driving over cords is prohibited.

(4) The licensee and manager of the campground or trailer court are responsible for ensuring that the requirements of this rule are met. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1109, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

Rule 19 reserved

NEXT PAGE IS 37-27725

ADMINISTRATIVE RULES OF MONTANA

12/31/01

37-27723

37.111.220 MISCELLANEOUS LICENSEE REQUIREMENTS (1) The person to whom a license is issued shall operate the campground or trailer court in compliance with this subchapter and shall provide adequate supervision to maintain the campground or trailer court, its facilities, and equipment in good repair and in a clean and sanitary condition. If a trailer court has a wastewater treatment or water treatment plant that requires an operator certified under Title 37, chapter 42, MCA, the person shall demonstrate to the department that he or she has retained a certified operator for the trailer court.

(2) The licensee of a trailer court shall have a manager on duty to maintain the trailer court and its facilities in accordance with this subchapter and the act. The manager shall have authority to take immediate actions, including actions requiring expenditure of funds, to correct public health problems as they occur. The licensee shall ensure that all trailer court occupants are given an address and telephone number where the manager can be reached at all times. If the manager is not a resident at the trailer court, the manager shall visit the trailer court as often as necessary to ensure that these requirements are met.

(3) Signs must be placed in conspicuous places indicating restrictions placed on the types of trailers permitted in a general services or limited services campground, based on the type and amount of facilities provided.

(4) Each campsite and trailer space in a general services or limited services campground must be clearly marked with an identification number or other symbol.

(5) Addresses or identification numbers must be clearly marked on each mobile home lot in a trailer court.

(6) Every licensee or manager operating a campground shall notify the department or local health authority immediately of any suspected communicable or contagious disease within the campground. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1111, Eff. 5/28/82; AMD, 1982 MAR p. 1484, Eff. 7/30/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 21 through 24 reserved

NEXT PAGE IS 37-27729

37.111.225 GUEST REGISTRATION (1) The licensee of a campground, except for a primitive campground or a limited services campground that is not on the same premises as a general service campground, shall maintain a register that must be preserved for at least six months, that is available to the department and local health authority, and that records:

(a) the name and permanent address of each trailer space and campsite occupant;

(b) the make, model and license number of each trailer and tow vehicle; and

(c) the date of arrival and departure for each trailer and vehicle and its occupants. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1111, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.226 ANIMALS RUNNING AT LARGE (1) The licensee of a tourist campground or trailer court shall not allow a person in charge of a dog, cat, or other pet animal to permit it to run at large or to commit any nuisance within the limits of any tourist campground or trailer court. Any pet animal must be limited to the area of the tenant's lot, unless the animal is leashed. The tourist campground or trailer court licensee or manager is responsible for the containment of any pet animal and any nuisance caused by a pet animal. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 1112, Eff. 5/28/82; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 27 through 29 reserved

37.111.230 SERVICE BUILDINGS AND OTHER SERVICE FACILITIES FOR GENERAL SERVICES CAMPGROUNDS (1) A central service building must be provided for each general services campground that has spaces designated for use by trailers or tents. The central service building must be approved by the building authority and must contain toilets and other plumbing fixtures, as follows:

(a) Toilets are required at each general services campground in the ratios set forth under Table I of this rule. If a service building approved by the department on or after April 28, 1995, provides showers, the showers must have hot water and be provided according to ratios set forth under Table I of this rule.

(b) The service building must be of permanent construction and equipped with lighting, lavatories, toilets, and a janitorial sink. Interior service building surfaces in plumbed areas must be smooth, nonabsorbent, and easily cleanable. Showers, if provided, must have non-slip surfaces and ventilation. All windows, doors, and other openings must be screened or closed.

(c) The service building must be conveniently located within a radius of 300 feet from all trailer spaces or campsites to be served.

(d) For a general services campground that is not operated with a business establishment, urinals and lavatories must be provided in accordance with Table I below.

TABLE I

No. of Dependent Parking Spaces	Toilets		Urinals	Lavatories		Showers	
	Men	Women	Men	Men	Women	Men	Women
1 - 15	1	1	1	1	1	2	2
16 - 30	1	2	1	2	2	2	2
31 - 45	2	2	1	3	3	2	2
46 - 60	2	3	2	3	3	3	3
61 - 80	3	4	2	4	4	3	3
81 - 100	3	4	2	4	4	3	3

(e) The service building, and all equipment in the service building, must be kept clean and in good repair. All showers, toilets, and lavatories must be cleaned with disinfectant products.

(f) The service building must contain a continuous supply of hand cleaner and toilet tissue.

(2) Each cabin, cooking shelter and other building must be maintained as follows:

(a) Each cooking or shelter house for common use must be cleaned after each day's use during the operating season.

(b) Cooking, eating, and drinking utensils, if provided, must be of non-toxic, durable, and easily cleanable materials, in good repair, and washed and sanitized by campground employees after usage by campers.

(c) Any cabin, tent, or other structure provided by the management must be thoroughly cleaned after being occupied.

(i) Each mattress, when provided, must be covered with a washable cover and must be kept in clean and sanitary condition.

(ii) Bedding, when provided, must be clean, sanitary, and in good repair. (History: Sec. 50-52-102, MCA; IMP, 50-52-102, MCA; NEW, 1982 MAR p. 1114, Eff. 5/28/82; AMD, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 31 through 34 reserved

37.111.235 PERFORMANCE REQUIREMENTS FOR LOCAL HEALTH AUTHORITIES (1) For a local board of health to qualify for reimbursement under 50-52-302, MCA, the local health authority shall either:

(a) enter into a written, signed cooperative agreement with the department that meets the requirements of 50-52-302(1), MCA, and establishes the duties and responsibilities of the local health authority and department; or

(b) meet each of the following requirements:

(i) demonstrate by February 1 of each year that at least one person working for the local health authority has been determined by the department to be qualified to make trailer court and campground inspections under Title 50, chapter 52, MCA, and rules promulgated thereunder; and

(ii) ensure that the local board of health, local health officer, sanitarian-in-training, or registered sanitarian:

(A) using forms approved by the department, submits quarterly reports to the department within 10 days following the close of each quarter of the fiscal year (first quarter ending September 30; second quarter ending December 31; third quarter ending March 31; fourth quarter ending June 30);

(B) upon request by the department, conducts an inspection to determine compliance with the requirements of this subchapter;

(C) performs inspections of each campground and trailer court within its jurisdiction at least once every 12 months, unless waived on a case-by-case basis by the department;

(D) provides copies of program documentation, including but not limited to inspection reports, plans of correction, and enforcement actions within seven days after receipt of a written request by the department, and keeps all documentation for a period of five years from the date of its creation; and

(E) demonstrates to the department, on a quarterly basis within 30 days following the close of each quarter of the fiscal year, that it has expended department reimbursements under this rule and 50-52-302, MCA, only for inspections of establishments licensed under Title 50, chapter 52, MCA, or for enforcement of Title 50, chapter 52.

(2) A failure by the local health authority to meet all of these minimum performance requirements shall result in withholding of funds payable to the local board of health under 50-52-302, MCA, for the period of noncompliance, as determined by the department. (History: Sec. 50-52-102 and 50-52-301, MCA; IMP, Sec. 50-52-302, MCA; NEW, 1995 MAR p. 634, Eff. 4/28/95; TRANS, from DHES, 2001 MAR p. 2425.)

Subchapter 3

Bed and Breakfast Establishments

37.111.301 PURPOSE (1) The purpose of these rules is to establish public health requirements governing the operation of bed and breakfast establishments in order to protect the health and safety of guests staying at such establishments. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

37.111.302 DEFINITIONS In addition to those definitions contained in 50-51-102, MCA, the following definitions apply to this subchapter:

(1) "Bed and breakfast establishment" as defined in 50-51-102(1), MCA, means a private, owner or manager occupied residence that is used as a private residence but in which:

(a) breakfast is served and is included in the charge for a guest room; and

(b) the number of daily guests served does not exceed 18.

(2) "Bedding" means mattress covers, mattress pads, sheets, pillow protectors and cases, blankets, comforters, quilts and bedspreads.

(3) "Building authority" means the building codes bureau of the Montana department of labor and industry or a local government building inspector enforcing a local building code enforcement program certified by the Montana department of labor and industry.

(4) "Department" means the Montana department of public health and human services.

(5) "Dishwashing" means the cleaning and sanitizing of food contact surfaces of equipment, kitchenware, tableware and utensils.

(6) "Fire authority" means the state fire marshal or his or her authorized agent.

(7) "Fixtures" means a shower, bathtub, toilet, urinal, lavatory, all types of sinks and all exposed plumbing integral to them.

(8) "Food equipment" means items, other than utensils, that are used in the food service operation of the bed and breakfast establishment such as freezers, grinders, ventilation hoods, ice makers, meat blocks, mixers, ovens, refrigerators, sinks, slicers, stoves, tables, dishwashing machines, counters or water heaters.

(9) "Furnishings" means those items contained in guest rooms and guest bathrooms such as draperies, curtains, blinds, lamps and lamp shades, chairs, tables, desks, shelves, books, magazines, bookcases, dressers, bedsteads, mattresses, box springs, towels, washcloths, soap, toilet tissue, radios, television sets, coffee makers, pictures, waste containers and mirrors.

(10) "Guest" means each registered occupant of any unit of a bed and breakfast establishment.

(11) "Individual wastewater system", in accordance with ARM 17.36.101, means a wastewater system that serves one living unit or commercial structure. The total number of people served may not exceed 24.

(12) "Individual water system", in accordance with ARM 17.36.101, means any water system that serves one living unit or commercial structure. The total number of people served may not exceed 24.

(13) "Living unit", in accordance with ARM 17.36.101 and for the purpose of interpreting the size of wastewater and water systems, means the area under one roof occupied by a family. For example, a duplex is considered two living units.

(14) "Local health authority" means a local health officer, local sanitarian or any other person authorized by the department.

(15) "Multiple user wastewater system", in accordance with ARM 17.36.101, means a non-public wastewater system that serves or is intended to serve three through 14 living units or three through 14 commercial structures. The total number of people served may not exceed 24.

(16) "Multiple user water system", in accordance with ARM 17.36.101, means a non-public water supply system designed to provide water for human consumption to serve three through 14 living units or three through 14 commercial structures. The total number of people served may not exceed 24.

(17) "Poisonous or toxic materials" may include, but are not limited to:

- (a) insecticides and rodenticides;
- (b) detergents, sanitizers and related cleaning or drying agents;
- (c) caustics, acids, polishes and other chemicals;
- (d) substances necessary for kitchen equipment operation and maintenance such as nonfood-grade lubricants;
- (e) substances not necessary for the kitchen operation such as petroleum products and paints; and
- (f) personal care items or medications.

(18) "Potentially hazardous food" means a food that is natural or synthetic and is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, the growth and toxin production of *Clostridium botulinum* or in raw shell eggs the growth of *Salmonella enteritidis*.

(a) the term "potentially hazardous food" includes cut melons, garlic and oil mixtures, a food of animal origin that is raw or heat treated and a food of plant origin that is heat treated or consists of raw seed sprouts; and

(b) the term "potentially hazardous food" does not include:

(i) an air cooled, hard boiled egg with intact shell;

(ii) a food with a hydrogen ion concentration (pH) level of 4.6 or below when measured at 75°F;

(iii) a food with a water activity (Aw) value of 0.85 or less;

(iv) a food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution; or

(v) a food for which laboratory evidence is accepted by the department as demonstrating that rapid and progressive growth of infectious and toxigenic microorganisms or the slower growth of *Clostridium botulinum* cannot occur.

(19) "Public wastewater system", in accordance with ARM 17.36.101, means a system for collection, transportation, treatment, or disposal of wastewater that serves 15 or more families or 25 or more persons daily for a period of at least 60 days in a calendar year.

(20) "Public water supply system", in accordance with ARM 17.36.101, means a system for the provision of water for human consumption that has at least 15 service connections or that regularly serves at least 25 persons daily for any 60 days or more in a calendar year.

(21) "Regulatory authority" means the department of public health and human services or the local health authority.

(22) "Shared wastewater system", in accordance with ARM 17.36.101, means a wastewater system that serves or is intended to serve two living units or commercial structures. The total number of people served may not exceed 24.

(23) "Shared water system", in accordance with ARM 17.36.101, means a water system that serves or is intended to serve two living units or commercial structures. The total number of people served may not exceed 24.

(24) "Single service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials and other similar articles intended for one-time, one-person use and then discarded.

(25) "Tableware" means eating, drinking and serving utensils for table use, such as flatware which includes forks, knives and spoons, hollowware including bowls, cups, serving dishes and tumblers and plates.

(26) "Utensil" means a food contact implement or container used in the storage, preparation, transportation, dispensing, or service of food, such as:

(a) kitchenware or tableware that is multi-use or single-use;

(b) gloves used in contact with food; and

(c) food temperature measuring devices. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-102 and 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

Rules 03 and 04 reserved

37.111.305 PRELICENSURE REVIEW AND APPROVAL (1) Bed and breakfast establishments shall submit facility and operating plans to the regulatory authority for review and approval when the following conditions apply:

(a) Before construction commences for a new establishment or for an addition to or an alteration of an existing establishment.

(i) Construction may not commence until all plans required by (1) have been approved by the regulatory authority. Construction must be in accordance with the plans as approved unless permission is granted by the regulatory authority to make changes.

(ii) Approval will be granted for a period not to exceed three years, after which, if construction has not been completed, plans must again be submitted to the regulatory authority for reevaluation.

(b) During the license application process for a bed and breakfast establishment planning to operate in an existing building.

(i) An existing building must receive prior approval from the regulatory authority to be used as a bed and breakfast establishment.

(ii) When a proposal to use an existing building as an establishment involves structural modification, plans meeting the requirements of (2) must be submitted to the regulatory authority for review and approval. If no structural modification is involved, the regulatory authority may waive the requirement for submission of plans if:

(A) an inspection by the regulatory authority indicates that the proposed establishment meets the requirements of this subchapter;

(B) the fire authority approves the building;

(C) the building authority approves the building or waives approval; and

(D) the establishment is in compliance with other state and local requirements.

(2) Facility and operating plans must include the following:

(a) location and detail of storage rooms used for extra bedding and furnishings;

(b) specifications for the water supply to serve the establishment;

(c) evidence of the review and approval of the sewage treatment and disposal system by the local health authority or the Montana department of environmental quality;

(d) location and detail of laundry facilities including description of equipment, floor and wall finish material and a flow chart indicating the route of laundry through sorting, washing, drying, ironing, folding and storage;

(e) specifications for a swimming or spa facility to serve the establishment unless the swimming or spa facility has been previously approved by the department;

(f) identification of the process that will be used to dispose of solid waste;

(g) location of utility sink or a plan for mop water disposal;

(h) specifications for the proposed food service, including menu, equipment, facility design, location, materials and other information necessary to assure the implementation of this rule;

(i) location of hand washing sink(s);

(j) evidence of approval by the building authority;

(k) evidence of approval by the fire authority; and

(l) any other applicable information as requested by the regulatory authority. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

37.111.306 LICENSURE, RENEWAL, AND INSPECTION (1) It is unlawful for a bed and breakfast establishment to operate without a license, as specified in 50-51-201, MCA. Failure to procure a license may subject the operator to criminal penalties as provided in 50-51-106, MCA, and/or civil penalties, injunctive relief, and costs as provided in 50-51-401 through 50-51-402, MCA.

(2) Upon notification by the department that an application and fee have been received for a license for a previously unlicensed establishment or by request from the bed and breakfast establishment, the regulatory authority shall make a prelicensing inspection to determine compliance with the requirements of this subchapter.

(3) The regulatory authority shall inspect each licensed establishment within the jurisdiction of the local board of health to determine compliance with this subchapter at least once every 12 months.

(4) If the establishment is in compliance with this subchapter and the department does not receive notification of noncompliance from the building authority or fire authority, a license will be issued or renewed.

(5) A bed and breakfast establishment that serves food only to its registered guests must meet the food service requirements of this rule but does not need a separate food establishment license as required by 50-50-201, MCA.

(6) An applicant or licensee who is denied a license or whose license is cancelled has the rights specified in 50-51-210 and 50-51-211, MCA. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, 50-51-201, 50-51-202 and 50-51-204, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

37.111.307 VARIANCES (1) An operator of a bed and breakfast establishment may request from the regulatory authority a variance to waive or modify construction or food equipment requirements contained in this subchapter. The request must be in writing, and must:

(a) demonstrate that the variance requested does not have the potential to cause adverse public health or safety effects and no other reasonable alternative exists; and

(b) describe any measure that will be taken to assure that public health and safety are maintained.

(2) The regulatory authority will maintain a record of the variance requests submitted along with the regulatory authority's responses. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

37.111.308 PERSONNEL (1) No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, diarrheal illness or acute gastrointestinal illness or an acute respiratory infection, shall work in a food service portion of the bed and breakfast in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons. Food employees experiencing persistent sneezing, coughing or runny nose that causes discharges from the eyes, nose or mouth may not work with exposed food, clean food equipment, utensils, linens or unwrapped single-service or single-use articles.

(2) All personnel shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work, as often as is necessary to keep them clean and especially after smoking, eating, drinking or using the toilet. Employees shall keep their fingernails clean and trimmed.

(3) The outer clothing of all personnel must be clean.

(4) All personnel shall consume food only in areas that will not result in contamination of other food, equipment, utensils or items needing protection.

(5) All personnel shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the bed and breakfast establishment. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

Rule 09 reserved

37.111.310 GUEST REGISTRATION (1) The operator of each bed and breakfast establishment shall keep a register, entry book or card filing system containing the names and mailing addresses of every guest renting a guest room and the dates when occupied. This register, entry book or card filing system may be different than a guest sign-in book and may be inaccessible to other guests.

(2) The register, entry book or card filing system must be available for inspection by the regulatory authority in accordance with 50-16-603, MCA, which provides for the confidentiality of health care information obtained by the government. The register, entry book or card filing system must be maintained for every calendar year and may not be discarded or destroyed until one year after the calendar year for which it was maintained. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-16-603 and 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

Rule 11 reserved

37.111.312 FOOD SUPPLIES (1) Food must be in sound condition, free from spoilage, filth or other contamination and shall be safe for human consumption. Food must be obtained from sources that comply with the applicable requirements of the Montana Food, Drug and Cosmetic Act, Title 50, chapter 31, MCA. The use of food in hermetically sealed containers that was not prepared in a licensed food processing establishment is prohibited except those foods which are included within the definition of preserves as defined in 50-50-102(16)(a), MCA, which are not potentially hazardous foods.

(2) Fluid milk and fluid milk products used or served must be pasteurized and shall meet grade A quality standards. Dry milk and dry milk products must be made from pasteurized milk and milk products.

(3) Only clean whole eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products must be used, except that hard boiled, peeled eggs commercially prepared and packaged may be used. Guests must be advised if uninspected farm eggs are to be used. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

NEXT PAGE IS 37-27751

37.111.313 FOOD PROTECTION (1) At all times, including while being stored, prepared, displayed, served or transported, food must be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage and overhead leakage or overhead drippage from condensation. The temperature of potentially hazardous food must be 45°F (5°C) or below or 135°F (60°C) or above except as provided in (2).

(2) Potentially hazardous foods prepared and held refrigerated for more than 24 hours in a bed and breakfast establishment shall be clearly marked at the time of preparation to indicate the date by which the food will be consumed which is, including the day of preparation:

(a) seven calendar days or less from the day that the food is prepared, if the food is maintained at 41°F (5°C) or less; or

(b) four calendar days or less from the day the food is prepared, if the food is maintained at 45°F (7°C) or less.

(3) Laundry facilities may be present in the residential kitchen, but may not be used during food preparation and service. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

37.111.314 FOOD STORAGE (1) Food, whether raw or prepared, if removed from the container or package in which it was obtained, must be stored in a clean, covered container except during necessary periods of preparation or service. Container covers must be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering bread or roll containers.

(2) Containers of food must be stored above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area.

(3) Food and containers of food may not be stored under exposed or unprotected sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by the fire authority. The storage of food in toilet rooms or entryways is prohibited.

(4) Food not subject to further washing or cooking before service must be stored in a way that protects it against cross contamination from food requiring washing or cooking.

(5) Packaged foods, including wrapped sandwiches, may not be stored in direct contact with water or undrained ice.

(6) Unless its identity is unmistakable, bulk food such as cooking oil, syrup, salt, sugar or flour not stored in the product container or package in which it was obtained must be stored in a container identifying the food by common name.

(7) Enough conveniently located refrigeration facilities or effectively insulated facilities must be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each mechanically refrigerated facility storing potentially hazardous food must be provided with a numerically scaled temperature measuring device, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$) and must be located to measure the air temperature in the warmest part of the facility and must be located to be easily readable. Recording temperature measuring devices accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$), may be used in lieu of indicating temperature measuring devices.

(8) Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled utilizing such methods as shallow pans, agitation, quick chilling or water circulation external to the food container so that the cooling period and internal food temperature total no more than two hours with food cooled from 135°F (57.2°C) to below 70°F (21°C) or below and four hours with food cooled from 70°F (21°C) to 45°F (7°C) or less.

(9) Ice used as a medium for cooling stored food, food containers or food utensils must not be used for human consumption.

(10) The internal temperature throughout potentially hazardous foods requiring hot holding must be 135°F (57.2°C) unless maintained in accordance with (8).

(11) Guest food may be kept in the bed and breakfast establishment's refrigeration equipment, but must be segregated and labeled as not for sale or for use by the establishment. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

37.111.315 FOOD PREPARATION (1) Food must be prepared with the least possible manual contact, with suitable utensils, and on surfaces that prior to use have been cleaned, rinsed and sanitized to prevent cross contamination. Sinks used for the preparation of foods must be cleaned and sanitized immediately before beginning the preparation of the food.

(2) Raw fruits and raw vegetables must be thoroughly washed with potable water before being cooked or served.

(3) Potentially hazardous foods must be cooked to heat all parts of the food to a temperature of at least 135°F (57.2°C), except as follows:

<u>Food Item</u>	<u>Temperature</u>
Poultry, poultry stuffing, stuffed meats, stuffings containing meat	heat all parts of the food to at least 165°F (74°C) with no interruption in the cooking process
Pork and pork products	heat all parts of the food to at least 145°F (63°C)
Rare roast beef, rare beef steak	cook to an internal temperature of at least 130°F (55°C) unless otherwise ordered by customer for immediate service
Ground meat	cook to an internal temperature of 155°F (68°C), and the food must hold this temperature for at least 15 seconds

(4) Uncooked, unpasteurized shell eggs may not be used for the preparation of ready-to-eat foods or foods that are not further cooked or baked.

(5) The reheating of food for hot holding must be done as follows:

<u>Food Item</u>	<u>Temperature</u>
Potentially hazardous food that has been cooked, cooled and reheated for hot holding	reheat to reach at least 165°F (74°C) in all parts of the food and maintain temperature for 15 seconds
Reheating all food for hot holding	reheat rapidly so that temperature of 165°F (74°C) is attained within two hours
Ready-to-eat food taken from commercially processed hermetically sealed container or intact package from a licensed or approved food processing plant	reheat to reach at least 140°F (60°C) prior to hot holding
Cooked and refrigerated food that is for immediate service in response to a consumer's order, such as a roast beef sandwich au jus	serve at any prepared temperature

(6) Potentially hazardous food reheated for hot holding in a microwave oven must:

- (a) be covered;
- (b) rotated or stirred throughout or midway during cooking or according to label instructions during heating;
- (c) heated to a temperature of at least 165°F (74°C); and
- (d) allowed to stand covered for two minutes after reheating.

(7) Digital or dial type metal stem temperature measuring devices accurate to $\pm 2^{\circ}\text{F}$ ($\pm 1^{\circ}\text{C}$), must be used to assure the attainment and maintenance of proper internal cooking or holding temperatures of all potentially hazardous foods.

- (8) Potentially hazardous foods must be thawed:
 - (a) in refrigerated units at a temperature not to exceed 45°F (7°C);
 - (b) under potable running water of a temperature of 70°F (22°C) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow for a period of time that does not allow thawed portions of a raw animal food requiring cooking to be above 45°F (7°C) for more than four hours;
 - (c) in a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
 - (d) as part of the conventional cooking process.
- (9) Except for cooking and baking uses, potentially hazardous foods, once served, may not be returned to the preparation area and reserved for later meals.
- (10) Serving utensils must be used for the display and service of foods during family style meals. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

Rules 16 through 19 reserved

37.111.320 FOOD EQUIPMENT AND UTENSILS (1) Multi-use food equipment and utensils must be:

(a) constructed and repaired with safe materials, including finishing materials;

(b) corrosion resistant and nonabsorbent; and

(c) smooth, easily cleanable, and durable under conditions of normal use.

(2) Single-service articles must be made from clean, sanitary and safe materials.

(3) Food equipment, utensils and single-service articles may not impart odors, color or taste, nor contribute to the contamination of food.

(4) Food equipment must be installed according to manufacturer's instructions.

(5) Hard maple or other nonabsorbent material that meets the general requirements set forth in (1) may be used for kitchen utensils, cutting blocks, cutting boards, salad bowls and baker's tables. Wood may be used for single-service articles, such as chop sticks, stirrers or ice cream spoons.

(6) Safe plastic, safe rubber or safe rubber-like materials are permitted for repeated use if they:

(a) are resistant under normal conditions of use to scratching, scoring and decomposition;

(b) are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods; and

(c) meet the general requirements set forth in (1).

(7) Re-use of single-service articles is prohibited.

(8) Food-contact surfaces must be easily cleanable, smooth and free of breaks, open seams, cracks, chips, pits and similar imperfections. Cast iron may be used as a food-contact surface only if the surface is heated, such as in grills, griddle tops and skillets.

(9) Surfaces not intended for contact with food debris or which otherwise require frequent cleaning must be washable, nonabsorbent, accessible for cleaning and must be of such materials and in such repair as to be easily maintained in a clean and sanitary condition.

(10) Ventilation hoods and devices must be designed and installed to prevent grease or condensation from collecting on walls and ceilings and dripping into food or onto food-contact surfaces. Filters or other grease extracting equipment must be readily removable for cleaning and replacement if not designed to be cleaned in place.

(11) Food equipment that was installed in a bed and breakfast establishment prior to July 1, 2003 that does not fully meet all the design and fabrication requirements of this rule may be used if they are in good repair, capable of being maintained in a sanitary condition and the food-contact surfaces are nontoxic, except that:

(a) refrigeration equipment must be capable of holding potentially hazardous foods at or below 45°F (7°C);

(b) bed and breakfast establishments serving up to 10 meals per day that have only a two compartment dishwashing sink must install a heat-boosted domestic dishwashing machine or an adequate three compartment dishwashing sink;

(c) bed and breakfast establishments serving more than 10 meals per day must have a three compartment dishwashing sink; and

(d) bed and breakfast establishments licensed on or before July 1, 2003 must meet the provisions of (11)(c) within five years from July 1, 2003, when applicable.

(12) All replacement food equipment and new food equipment acquired after July 1, 2003 must meet the requirements of this rule. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

37.111.321 FOOD EQUIPMENT AND UTENSILS: CLEANING AND SANITIZATION (1) Food contact equipment, surfaces and utensils must be cleaned and sanitized prior to food preparation for the public and after each use.

(2) Sinks, basins or other receptacles used for cleaning equipment and utensils must be cleaned and sanitized before use.

(3) Food equipment and utensils must be preflushed or prescraped and when necessary, presoaked to remove food particles and soil.

(4) Manual cleaning and sanitizing must be conducted in five steps as follows:

(a) prerinsing or scraping;

(b) thoroughly washing in a warm detergent solution that is kept clean;

(c) rinsing with clean water to remove any abrasives and remove or dilute cleaning chemicals;

(d) sanitization; and

(e) air drying and draining.

(5) The food contact surfaces of all equipment and utensils must be sanitized by:

(a) immersion for at least 1/2 minute in clean, hot water at a temperature of at least 170°F (77°C) or above;

(b) immersion for at least one minute in a clean solution containing at least 50 parts per million (ppm) of available chlorine as a hypochlorite and at a temperature of at least 75°F (24°C);

(c) immersion for at least one minute in a clean solution containing at least 12.5 ppm of available iodine and having a pH of 5.0 or less and at a temperature of at least 75°F (24°C);

(d) immersion for at least one minute in a clean solution containing no more than 200 ppm of a quaternary ammonium compound solution by following manufacturer instructions;

(e) immersion in a clean solution containing any other chemical sanitizing agent approved by the U.S. environmental protection agency that will provide the equivalent bactericidal effect of a solution containing at least 50 ppm of available chlorine as a hypochlorite at a temperature of at least 75°F (24°C) for one minute; or

(f) rinsing, spraying or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under (5)(a) through (e) in the case of food equipment being too large to sanitize by immersion.

(6) Chemicals used for sanitization may not have concentrations higher than the maximum permitted by (5). A test kit or other device that measures the ppm concentration of the solution must be used at least once each business day.

(7) Mechanical cleaning and sanitizing must be conducted using:

(a) commercial dishwashers, which must comply with ARM 37.110.215(17) through (27); or

(b) a domestic or home style dishwasher may be used provided the following performance criteria are met:

(i) the dishwasher must effectively remove physical soil from all surfaces of dishes;

(ii) the dishwasher must sanitize dishes by the application of sufficient accumulative heat;

(iii) the operator shall provide and use daily a maximum registering temperature measuring device or a heat thermal label to determine that the dishwasher's internal temperature is a minimum of 150°F (66°C) after the final rinse and drying cycle; and

(iv) the dishwasher must be installed and operated according to manufacturer's instructions for the highest level of sanitization possible when sanitizing utensils and tableware. A copy of the instructions must be available on the premises at all times.

(8) Drainboards, portable dish tubs, or similar devices must be provided for proper handling of soiled utensils prior to washing and for cleaned utensils following sanitizing and must be located so as to not interfere with the proper use of the dishwashing facilities.

(9) Food contact surfaces must be sanitized by one of the following methods:

(a) using moist cloths, which are kept clean and are rinsed frequently in a sanitizing solution mixed at twice the strength required for that sanitizing solution as provided in (5)(a) through (e). However, using the same cloths and sanitizing solution for both food contact and nonfood contact surfaces is prohibited;

(b) spraying with a sanitizing solution mixed at twice the strength required for that sanitizing solution as provided in (5)(a) through (e); or

(c) using an alternative method approved by the regulatory authority. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

37.111.322 FOOD EQUIPMENT AND UTENSILS: STORAGE AND HANDLING (1) Cleaned and sanitized food equipment and utensils must be handled in a way that protects them from contamination. Spoons, knives and forks must be touched only by their handles. Cups, glasses, bowls, plates and similar items must be handled without contact with inside surfaces or surfaces that contact the user's mouth.

(2) Cleaned and sanitized food equipment and utensils must be stored above the floor in a clean, dry location in a way that protects them from being contaminated by splash, dust and contaminants. The food contact surfaces of fixed equipment must be protected from contamination. Food equipment and utensils may not be placed under exposed sewer or water lines except for automatic fire protection sprinkler heads.

(3) Utensils must be air dried before being stored or must be stored in a self draining position.

(4) Single-service articles must be stored above the floor in closed cartons or containers which protect them from contamination and must not be placed under exposed sewer or water lines except for automatic fire protection sprinkler heads.

(5) Single-service articles must be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with food or with the mouth of the user.

(6) Food equipment, utensils or single-service articles may not be stored in toilet rooms or entryways. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

Rules 23 through 25 reserved

37.111.326 WATER SUPPLY AND PLUMBING (1) An adequate and potable supply of water must be provided.

(2) Before a license may be issued, an establishment using an individual, shared or multiple user water supply must submit the following to the regulatory authority:

(a) satisfactory coliform bacteria and nitrate test results. Nitrate results in excess of 10 mg/L are considered unsatisfactory; and

(b) the results of an on site sanitary survey of the water supply system to detect sanitary deficiencies.

(3) A supplier of an individual, shared or multiple user water supply shall conduct a coliform bacteria test of the system at least twice a year with one sample collected between April 1 through June 30 and the second sample collected between August 1 through October 31 and shall conduct a nitrate test of the system at least once every three years. A supplier shall keep sampling result records for three years at the premises of the bed and breakfast establishment for review by the regulatory authority.

(4) A supplier of a public water supply shall undertake sample analyses for its system according to ARM Title 17, chapter 38, subchapter 2.

(5) Nonpotable water sources must be marked "not for human consumption".

(6) Plumbing must be installed and maintained in a manner to prevent cross connections between the potable water supply and any nonpotable or questionable water supply or any source of pollution through which the potable water supply might become contaminated. The potable water system must be installed to preclude the possibility of backflow. A hose may not be attached to a faucet unless a backflow prevention device is installed.

(7) Handsinks and bathing facilities must be provided with water at a temperature of at least 100°F (37.8°C) and not more than 120°F (49°C).

(8) A water supply system is determined to have failed and requires treatment, replacement, repair or disinfection, when the water supply becomes unsafe (when it exceeds the maximum contaminant levels specified in ARM Title 17, chapter 38, subchapter 2) or inadequate (when it is found to be less than 20 psi measured at the extremity of the distribution line during instantaneous peak usage).

(9) Extension, alteration, repair or replacement of a water supply system or development of a new water supply system must be in accordance with all applicable state and local laws.

(10) Bottled and packaged potable water must be obtained from a licensed and approved source and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water for consumer self-service must be dispensed from the original container.

(11) The department hereby adopts and incorporates by reference the provisions of ARM Title 17, chapter 38, subchapter 2, stating maximum allowable contaminant levels, sampling and other requirements for public water supplies. Copies of the above mentioned rules may be obtained from the Department of Public Health and Human Services, Food and Consumer Safety Section, P.O. Box 202951, Helena, MT 59620-2951 or the Department of Environmental Quality, Permitting and Compliance Division, P.O. Box 200901, Helena, MT 59620-0901. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

37.111.327 WASTEWATER SYSTEM (1) An adequate and safe wastewater system must be provided for conveying, treating and disposing of all sewage. Immediate measures must be taken to alleviate health and sanitation hazards caused by wastewater at the bed and breakfast establishment when they occur.

(2) A wastewater system has failed and requires replacement or repair if any of the following conditions occur:

(a) the system fails to accept, treat or dispose of wastewater as designed;

(b) effluent from the wastewater system contaminates a potable water supply or state waters; or

(c) the wastewater system is subjected to mechanical failure, including electrical outage, or collapse or breakage of a septic tank, lead line or drainfield line.

(3) Extension, alteration, replacement or new development of any wastewater system must be done in accordance with all applicable local laws and ARM Title 17, chapter 36, subchapters 1, 3 and 6, which cover the minimum standards for individual, shared or multiple user wastewater systems, as regulated by the Montana department of environmental quality.

(4) Disposing of discharged liquid wastes from sinks, showers, toilets or baths on the ground surface is prohibited. Such waste must be discharged into the wastewater system serving the bed and breakfast establishment or into an alternate system approved by the regulatory authority.

(5) Mop water or heavily soiled cleaning water may not be disposed of in any sink other than a mop or utility sink or a toilet.

(6) The department hereby adopts and incorporates by reference ARM Title 17, chapter 36, subchapters 1, 3 and 6 which set rules for subdivisions and on site subsurface wastewater treatment. Copies of the above rules may be obtained from the Department of Public Health and Human Services, Food and Consumer Safety Section, P.O. Box 202951, Helena, MT 59620-2951, or the Department of Environmental Quality, Permitting and Compliance Division, P.O. Box 200901, Helena, MT 59620-0901. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

37.111.328 TOILET FACILITIES (1) Toilet facilities must be installed in accordance with the state plumbing code and must be conveniently located and accessible to employees at all times.

(2) Toilet rooms must be completely enclosed and the doors must be kept closed when they open into the kitchen. Additionally, if toilet facilities open onto or are located adjacent to the food preparation area, the toilet facilities must contain mechanical ventilation or a window.

(3) Toilet fixtures must be kept clean and in good repair. A supply of toilet tissue must be provided at each toilet at all times. Easily cleanable receptacles must be provided for waste materials. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

37.111.329 HAND WASHING FACILITIES (1) Bed and breakfast establishments serving up to 10 meals per day may use a compartment of a dishwashing sink for hand washing purposes in the kitchen. Bed and breakfast establishments serving more than 10 meals per day must have a dedicated hand washing sink.

(2) Hand washing facilities must be conveniently located to the kitchen food preparation area and laundry handling area and must provide hot and cold potable water tempered by means of a mixing valve or combination faucet.

(3) A supply of hand cleansing soap or detergent must be available from a dispensing unit at each hand washing facility. A supply of sanitary, single-use towels must be conveniently located near each hand washing facility. The use of common towels is prohibited. If disposable towels are used, easily cleanable waste receptacles must be conveniently located near the hand washing facilities.

(4) A soap dispenser and disposable towels for use in hand washing must be provided at the kitchen sink. This sink must not be used for hand washing after toilet use. After toilet use, personnel shall wash hands first in an approved hand washing facility before they are washed in the kitchen sink.

(5) Hand washing facilities, soap or detergent dispensers, hand drying devices and all related equipment must be kept clean and in good repair. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

37.111.330 SOLID WASTE AND PEST CONTROL (1) Garbage and refuse must be kept in durable, easily cleanable, insect proof and rodent proof containers that do not leak and do not absorb liquids. Plastic bags and wet strength paper bags may be used to line these containers and they may be used for storage inside the establishment. The containers must be kept clean and in good repair and be of sufficient number to hold the solid waste that accumulates.

(2) Outside storage of unprotected plastic bags or wet strength paper bags or baled units containing garbage or refuse is prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.

(3) Garbage and refuse must be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.

(4) Effective measures intended to minimize the presence of rodents, flies, cockroaches and other insects on the premises must be utilized. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

Rules 31 through 33 reserved

37.111.334 FLOORS, WALLS, CEILINGS AND LIGHTING (1) The floors, walls and ceilings and attached equipment in food preparation and service areas and in employee bath rooms of bed and breakfast establishments must be fabricated from easily cleanable material and must be maintained in good repair and kept clean. Artificial lighting must be provided sufficient to facilitate sanitary food handling and cleaning of facilities. Light sources in food preparation areas must be adequately shielded or be made of a shatter resistant design or material.

(2) Carpeting, if used as a floor covering in food preparation areas or in toilet facilities, must be of closely woven construction. All carpeting located in guest rooms, hallways and other portions of the bed and breakfast used by guests must be properly installed, easily cleanable and maintained in good repair. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

NEXT PAGE IS 37-27769

37.111.335 LAUNDRY (1) Laundries operated or used by a bed and breakfast establishment must be provided with:

(a) a mechanical washer and hot air tumble dryer;
(b) a hot water supply system capable of supplying water at a temperature of 120°F (49°C) to the washer during all periods of use;

(c) detergents; and

(d) sanitizers approved by the U.S. environmental protection agency.

(2) Bedding, towels and washcloths must be machine washed at a minimum temperature of 120°F (49°C) for a minimum time of eight minutes and dried in a hot air tumble dryer or ironed at a minimum temperature of 150°F (65.5°C).

(3) Laundry other than bedding, towels and washcloths may be washed at a minimum temperature of 110°F (43.3°C) for at least eight minutes using a detergent and a sanitizer. Bleach, as a hypochlorite, may be used according to manufacturer's specifications during the final rinse.

(4) Manual washing and line drying of bed linen, towels and washcloths is prohibited.

(5) All bed and breakfast establishments must have a sink that can be used for hand washing within a reasonable distance of the laundry. Hands must be washed between the handling of soiled and clean laundry.

(6) To prevent cross contamination, a separate handling process must be used for the sorting and storage of soiled laundry and the folding and storage of clean laundry. Clean cloths and linens must be laundered, stored and protected from contamination between uses. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

37.111.336 HOUSEKEEPING AND MAINTENANCE (1) Housekeeping and maintenance services must be provided a minimum of every three days and must be available on a daily basis when requested by a guest. Housekeeping and maintenance services must be provided between guest occupancies. Shared bathrooms must be cleaned daily.

(2) Maintenance and properly labeled cleaning supplies and cleaning tools such as brooms, mops, vacuum cleaners and similar equipment must be maintained and stored in a way that does not contaminate food, utensils, food equipment or linens or endanger the safety of guests. The storage area for cleaning supplies and cleaning tools must be kept clean.

(3) Toilets, bathtubs, hand washing sinks and showers may not be used for washing and rinsing of mops, brooms, brushes or any other cleaning devices.

(4) Cleaners used in cleaning bathtubs, showers, sinks, urinals, toilet bowls, toilet seats and floors in bathrooms must contain an approved disinfectant or sanitizing agent.

(5) Cleaning devices used for cleaning toilet bowls, urinals, sinks, showers and bathtubs may not be used for any other purpose and must be kept segregated when stored. Cleaning devices used for cleaning toilet bowls and urinals may not be used to clean sinks, showers and bathtubs.

(6) Deodorizers and odor masking agents may not be used unless the room in which it is used is clean to sight and touch.

(7) All bedding, towels and washcloths provided by management must be clean and in good repair. Clean bed sheets and pillowcases must be provided on each bed and shall be replaced by clean, freshly laundered sheets and pillowcases after the departure of each guest and prior to occupancy by the next guest. Clean bedding must be available to each guest on a weekly basis or more often if requested by a guest. Clean towels and washcloths must be available to each guest every three days, at minimum, or more often if requested by a guest.

(8) All furnishings, fixtures, floors, walls and ceilings must be clean and in good repair. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

Rules 37 and 38 reserved

37.111.339 SWIMMING AND BATHING AREAS (1) Any swimming pool, spa or public swimming place that exists in a bed and breakfast establishment for guest use must be constructed and operated in compliance with Title 50, chapter 53, MCA, and ARM Title 37, chapter 111, subchapters 10 and 11.

(2) Sauna services that exist in a bed and breakfast establishment for guest use must be operated in a clean and sanitary manner and must be maintained in good repair.

(3) Guest towels provided by the bed and breakfast establishment for use in the swimming and bathing area or in a sauna must be laundered between each guest use.

(4) Copies of ARM Title 37, chapter 111, subchapters 10 and 11 may be obtained from the Department of Public Health and Human Services, Food and Consumer Safety Section, P.O. Box 202951, Helena, MT 59620-2951. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

Rules 40 and 41 reserved

37.111.342 BLOOD-BORNE PATHOGEN PROTECTION (1) To minimize exposure to potential blood-borne pathogens during housekeeping, maintenance, laundry or other provided services, employees shall:

(a) wear protective gloves and use an appropriate cleaning solution when cleaning up hazardous materials;

(b) use disposable towels to clean up spills and dispose of the towels in a special biohazard labeled bag;

(c) use a dust pan and brush, cardboard or tongs to clean up broken glass; and

(d) wear waterproof gloves when handling dirty laundry.

(2) All actions that involve contact with blood and other potentially contaminated products should be done in such a way as to minimize splashing, spraying, splattering and the creation of droplets. If workers come into contact with blood or body fluids, they must:

(a) wash their hands or any other contaminated parts of their body with soap and warm water;

(b) wash their hands and potentially exposed skin when they remove protective gloves or other personal protective equipment; and

(c) flush eyes or other mucous membranes with water if these body parts are exposed. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

NEXT PAGE IS 37-27773

37.111.343 SAFETY (1) Containers of poisonous or toxic materials must be prominently and distinctly labeled according to law for easy content identification and must be used according to manufacturer's directions. These materials must not be stored or used in any manner which may contaminate food or food contact surfaces. This provision does not prohibit the convenient availability of detergents or sanitizers for use at hand washing or dishwashing stations.

(2) First aid materials must be available on the premises.

(3) Guests must be provided with emergency exit information upon registration. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

37.111.344 PETS (1) Pets may be present on the premises with the following restrictions:

(a) pets shall be kept out of the kitchen food preparation and dining areas during food preparation and service to the public;

(b) pets shall be kept out of the laundry area during its use; and

(c) birds shall be kept out of the kitchen, dining and laundry areas at all times and be kept away from forced air ducts and heating system areas. (History: Sec. 50-51-103 and 50-51-108, MCA; IMP, Sec. 50-51-103, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

Rules 45 through 49 reserved

37.111.350 MINIMUM PERFORMANCE REQUIREMENTS FOR LOCAL HEALTH AUTHORITIES (1) To qualify for reimbursement under 50-51-303, MCA, the local health authority must either enter into a written, signed cooperative agreement with the department that establishes the duties and responsibilities of the local health authority and the department consistent with this subchapter or meet each of the following requirements:

(a) At least one sanitarian working with or for the local health authority must receive training from the department in bed and breakfast inspection techniques. The department is responsible for making training available on a periodic basis.

(b) The local health authority must ensure that the following are done by the local health officer, sanitarian or sanitarian-in-training:

(i) Upon notification by the department or the establishment, a prelicensing inspection is made to determine compliance with the requirements of this subchapter.

(ii) Each establishment within the jurisdiction of the local health authority is inspected at least once every 12 months or on the schedule specified in a signed agreement with the department.

(iii) Quarterly inspection reports are submitted to the department within 10 days following the closing of each quarter of the fiscal year (1st quarter, September 30; 2nd quarter, December 31; 3rd quarter, March 31; 4th quarter, June 30) on forms approved by the department.

(iv) All documentation of enforcement of this subchapter, including but not limited to inspection reports, consumer complaints, illness investigations, plans of correction and enforcement actions, must be retained for five years and copies of the documentation are submitted or otherwise made available to the department upon request.

(2) A failure by the local health authority to meet all of its responsibilities under the cooperative agreement or under (1)(a) and (b) shall result in the withholding of funds from the local board reimbursement fund in an amount to be determined by the department. (History: Sec. 50-51-303, MCA; IMP, Sec. 50-51-204 and 50-51-303, MCA; NEW, 2003 MAR p. 1338, Eff. 7/1/03.)

Subchapter 4 reserved

NEXT PAGE IS 37-27781

Subchapter 5

Youth Camps

37.111.501 DEFINITIONS The following definitions apply to this subchapter:

(1) "Bedding" means mattresses, box springs, mattress covers, mattress pads, sheets, pillow slips, pillows, pillow covers, blankets, comforters, quilts, bedspreads, or sleeping bags.

(2) "Fixture" means a shower, bathtub, toilet, toilet seat, urinal, lavatory, kitchen sink, janitor or custodial sink, or utensil sink and all exposed plumbing integral to each.

(3) "Furnishing" means cups, glasses, pitchers, utensils, draperies, curtains, blinds, light fixtures, lamps and lamp shades, chairs, tables, desks, shelves, books, magazines, bookcases, dressers, bedsteads, mattress springs other than box springs, towels, wash cloths, soap, toilet tissue, radios, television sets, coffee makers, water heaters, pictures, mirrors, cabinets, closets, refrigerators, or similar items.

(4) "Local health authority" means a local health officer or sanitarian authorized to act on behalf of a local board of health. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 2007, Eff. 12/27/85; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 02 and 03 reserved

NEXT PAGE IS 37-27785

ADMINISTRATIVE RULES OF MONTANA

12/31/01

37-27781

37.111.504 PRECONSTRUCTION REVIEW (1) Before commencement of construction of a new youth camp or of an addition to or alteration of an existing youth camp, plans for its construction must be submitted to the department for review to determine if the standards in this subchapter are met; such plans must include whichever of the following are applicable:

(a) Scaled plan of the camp, including location of boundary lines, all buildings, sewage systems, water supplies, natural and manmade hazards, any swimming facilities, all toilet facilities, streams, lakes, and any other physical feature pertinent to this subchapter;

(b) Location and detail of any storage room used for extra bedding and furnishings;

(c) Location and detail of janitorial facilities, if any;

(d) Specifications for the water supply to serve the youth camp unless the water supply has been previously approved by the department;

(e) Specifications for the sewage treatment and disposal system to serve the youth camp unless the sewage treatment and disposal system has been previously approved by the department;

(f) Location and detail of any laundry facilities, including a description of equipment, floor and wall finish material, and a flow chart indicating the route of laundry through sorting, washing, drying, ironing, folding, and storage;

(g) Specifications for a swimming or spa facility to serve the youth camp unless that facility has been previously approved by the department;

(h) Location and detail of all on-site solid waste storage areas;

(i) Name of the department-approved sanitary landfill which will receive solid waste from the youth camp;

(j) Specifications for a food service to serve the youth camp unless the food service has been previously approved by the department; and

(k) Any other information requested by the department.

(2) Construction may not commence until all plans required by (1) of this rule have been approved by the department and local health authority.

(3) Construction must be in accordance with the plans as approved unless permission is granted by the department to make changes.

(4) Approval of construction will last for three years after the date it is granted, after which, if construction has not been completed, plans must again be submitted to the department for re-evaluation. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 2007, Eff. 12/27/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.505 USE BY NON-LICENSEE: LICENSEE RESPONSIBILITY

(1) Whenever the licensee of a camp rents, leases, or otherwise relinquishes control of the camp facilities to a private organization which manages the camp and restricts its availability to members of that private organization, the licensee:

(a) Will be responsible only for the standards contained in this subchapter which relate to structural and equipment requirements, and for any other requirements which remain under the control of the licensee; and

(b) Must supply the private organization with an operation and maintenance manual which includes instructions for operation and maintenance of the water, sewage, heating/cooling, and ventilation systems, and any other facilities necessary for the safe and sanitary operation of the camp.

(2) If the licensee allows use of the camp by an organization which is either public or will allow access to the camp by individuals who are not organization members, the licensee will be responsible for compliance with all of the standards in this subchapter. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 2007, Eff. 12/27/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.506 PHYSICAL REQUIREMENTS A youth camp must meet the following physical standards:

(1) If bedding and/or other furnishings are provided to campers, sufficient room must be set aside for the storage of any extra bedding and furnishings.

(2) Floors in any room or enclosure subject to large amounts of moisture, such as a toilet or bathing room, a laundry room, or janitorial closet, must be smooth and non-absorbent. Shower floors must be sloped to drain.

(3) Floor or wall-mounted furnishings must be easily movable to allow for cleaning, or constructed and mounted in a manner that allows for cleaning around and under such furnishings. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 2007, Eff. 12/27/85; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 07 through 14 reserved

NEXT PAGE IS 37-27801

37.111.515 WATER SUPPLY SYSTEM (1) In order to ensure an adequate and potable supply of water, a youth camp must utilize a water supply system which meets the standards contained in ARM 37.111.615.

(2) The department hereby adopts and incorporates by reference ARM 37.111.615, setting construction and operation requirements for drinking water supplies. A copy of ARM 37.111.615 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 2007, Eff. 12/27/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.516 SEWAGE TREATMENT AND DISPOSAL (1) In order to ensure sewage is completely and safely disposed of, a youth camp must utilize a sewage system which meets the standards contained in ARM 37.111.616.

(2) The department hereby adopts and incorporates by reference ARM 37.111.616, setting construction and operation requirements for sewage disposal systems. A copy of ARM 37.111.616 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 2007, Eff. 12/27/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.517 SOLID WASTE In order to ensure that solid waste is safely stored and disposed of, a youth camp must:

(1) Store all solid waste between collections in containers which have lids and are corrosion-resistant, flytight, watertight, and rodent-proof;

(2) Clean all solid waste containers frequently;

(3) Utilize exterior collection stands for the containers referred to in (1) of this rule which prevent the containers from being tipped, protect them from deterioration, and allow easy cleaning below and around them; and

(4) Transport the solid waste at least weekly to a licensed landfill site, either by utilizing a private or municipal hauler or by otherwise transporting the waste in a covered vehicle or covered containers. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 2007, Eff. 12/27/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.518 TOILETS Toilet facilities must be:

(1) Located within 300 feet of all sleeping quarters, unless local conditions, such as high ground water, flood hazard, or inappropriate topography or soil conditions, render that impossible, in which case they must be located as closely as those conditions permit.

(2) Provided in the ratio of one toilet for every 10 persons or fraction thereof. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 2007, Eff. 12/27/85; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 19 and 20 reserved

37.111.521 HOUSEKEEPING, MAINTENANCE AND LAUNDRY

(1) Every structure within the youth camp, including tents and similar non-permanent enclosures, and all furnishings, fixtures, and bedding provided by the youth camp, must be maintained in good repair and in safe and sanitary condition.

(2) The youth camp must implement a systematic maintenance program which ensures clean and safe conditions throughout the immediate area surrounding camp structures, living quarters, and other frequently used areas.

(3) The youth camp must keep on hand and readily available cleaning equipment and supplies in sufficient quantity to meet the housekeeping needs of the facility.

(4) Any laundry facilities provided by the youth camp for use by residents or campers must be maintained in clean and sanitary condition.

(5) If the youth camp provides campers with bed linens, towels, or washcloths for their use, it must clean them with laundry facilities which meet the standards contained in ARM 37.111.121, except that if, due to the nature of the camp, those standards are extremely difficult or impossible to meet, alternative procedures may be followed if approved by the department or local health authority as providing equivalent protection.

(6) If the youth camp supplies any camper with a mattress, it must either equip the mattress with:

(a) a removable cover and launder the cover in accordance with the requirements of ARM 37.111.121 after the mattress is used by one camper and before it is assigned to another; or

(b) a non-removable but washable outer covering and clean and disinfect that cover with a germicidal agent after it is used by one camper and before it is assigned to another.

(7) The department hereby adopts and incorporates by reference the standards in ARM 37.111.121, which ensure sanitary conditions in laundries. A copy of ARM 37.111.121 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 2007, Eff. 12/27/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.522 FOOD SERVICE Whenever food is prepared by the youth camp for service to campers, the following requirements apply:

- (1) Food must be:
 - (a) free from spoilage, filth, or other contamination;
 - (b) obtained from sources that comply with all federal and state law applicable to the source relating to food and food labeling;
 - (c) at all times, including while being stored, prepared, displayed, served, or transported, protected from potential contamination, such as dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and drips from overhead condensation.
 - (d) thoroughly washed and/or cooked as necessary to destroy disease-causing microorganisms.
- (2) A potentially hazardous food must:
 - (a) be maintained at 45°F or below, or 140°F or above;
 - (b) when thawed after being frozen, be thawed either at 45°F or below, by quick-thawing during the cooking process, or by an equivalent method approved by the department or local health authority.
- (3) No food may be served which has been stored in an hermetically sealed container unless the container was prepared in a licensed food processing establishment.
- (4) If food or food utensils are transported from the kitchen to an area not immediately contiguous to the kitchen, the food and utensils must, during transportation, be kept in covered containers or completely wrapped or packaged so as to be protected from contamination.
- (5) No person who is either infected with a communicable disease in a form that can be transmitted by foods; a carrier of organisms that cause such a disease; or afflicted with a boil, an infected wound, diarrhea, acute gastro-intestinal illness, or an acute respiratory infection may work in a kitchen in any capacity in which there is a likelihood of that person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons.
- (6) Kitchen workers must maintain a high degree of personal cleanliness and conform to good hygienic practices.

(7) Food preparation, storage, and serving equipment and utensils must:

(a) not impart odors, color, or taste to food nor contribute to its contamination;

(b) be thoroughly cleaned after each usage;

(c) be constructed, repaired, and finished with non-toxic materials, resistant to corrosion, smooth, and, if multi-use, easily cleanable, non-absorbent, and durable under conditions of normal use;

(d) when cleaned and sanitized, or if single-service, be handled and sorted in a way that protects them from contamination.

(8) Facilities must be provided which are adequate for washing and sanitizing all multi-use utensils used for preparing, serving, and storing food.

(9) Kitchen floors, walls, ceilings, equipment and storage areas must be smooth, non-absorbent, easily cleanable, and kept clean and in good repair. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 2007, Eff. 12/27/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.523 SWIMMING AND BATHING AREAS (1) The construction and operation of any swimming pool, spa, or other swimming area owned and utilized by the youth camp must be in accordance with the standards pertaining to the type of facility in question contained in Title 37, chapter 110, subchapters 10 (swimming areas) or 11 (swimming pools and spas) of the Administrative Rules of Montana.

(2) The department hereby adopts and incorporates by reference the rules in ARM Title 37, chapter 110, subchapters 10 and 11, which establish construction, equipment, and operation standards for swimming areas and swimming pools and spas, respectively. Copies of Title 37, chapter 110, subchapters 10 or 11, may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 2007, Eff. 12/27/85; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 24 through 29 reserved

NEXT PAGE IS 37-27821

ADMINISTRATIVE RULES OF MONTANA

12/31/01

37-27807

37.111.530 SAFETY The operator of a youth camp must:

- (1) Ensure that the camp site is as free as reasonably possible of objects or conditions which are hazardous to humans.
- (2) Post a warning of potential natural hazards and otherwise inform each camper of the danger.
- (3) Plainly mark any substance which is potentially toxic if ingested, inhaled, or handled and store it in a locked cabinet or enclosure that is inaccessible to campers.
- (4) Ensure that each facility and piece of equipment used in camp programs is of sufficient quality and maintained in a manner that ensures that it does not present undue risk to campers. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 2007, Eff. 12/27/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.531 ILLNESS OR INJURY The operator of the camp must:

- (1) Do the following, if a child develops symptoms of illness while at camp:
 - (a) Isolate the child immediately in a room or area segregated for that purpose.
 - (b) As soon as possible, contact, inform, and consult with a parent or guardian of the child about the illness and take one of the following actions:
 - (i) Request that the child be picked up and taken home immediately;
 - (ii) If the parent or guardian agrees, observe the child for a reasonable time and, if the symptoms do not pass, request that the child be taken home; or
 - (iii) If the parent or guardian agrees, call a physician and follow the physician's instructions.
 - (c) The same day a suspected case of communicable disease is discovered, report it by telephone to the local health officer or as soon as possible thereafter if no contact can be made the same day.
- (2) Develop and enforce policies on first aid which include, at a minimum:
 - (a) Keeping a record of an emergency phone number for the parent or guardian of each child attending the camp;
 - (b) Measures to be taken in case of injury; and
 - (c) During camp-sponsored activities, having a physician on call and a person on-site who is trained in red cross basic first aid. [Recommendations for first aid supplies and policies may be secured from the Department of Public Health and Human Services, Emergency Medical Services and Injury Prevention Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.]

(3) Complete and submit to the department a department illness/injury report form for each fatality which stems from an injury occurring at camp and for each illness or injury occurring at camp which results in the camper either being sent home, admitted to a hospital, or positively diagnosed as having a disease or injury after a laboratory analysis or x-ray is performed.

(4) In order to assist in control of any outbreak of a communicable disease, keep a register of all non-employee individuals utilizing the camp, including each person's name, home address and phone number, and the building or other living unit in which s/he was assigned sleeping quarters. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 2007, Eff. 12/27/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.532 INSECT, RODENT AND WEED CONTROL The operator of the camp must ensure that:

(1) Camp buildings, other structures, and grounds are kept free, to the extent possible, of harborage for, and infestations of, insects or rodents.

(2) Any extermination or control measures involving insecticides, rodenticides, or herbicides strictly conform to the manufacturer's application instructions.

(3) The growth of brush, weeds, grass, and other plants in the area customarily frequented by campers is restricted to the extent necessary to eliminate harborage for ticks, chiggers, and similar insects of danger to public health.

(4) Ragweed, poison ivy, poison oak, poison sumac, and other similarly noxious plants do not grow on camp property within the area customarily frequented by campers. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 2007, Eff. 12/27/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.533 NONCOMPLYING PREEXISTING CAMPS AND CORRECTION PLAN (1) A youth camp which is in existence on December 27, 1985, but which fails to meet one or more of the requirements of this subchapter may be licensed if:

(a) a plan of correction, including a date by which the camp will be in full compliance with this subchapter, is prepared by the operator of the youth camp and accepted by the department and local health authority; and

(b) an interim plan to protect the health of campers until the plan of correction is completed is accepted by the department and local health authority as providing adequate protection and is immediately implemented.

(2) If the plan of correction is not completed by the approved date, the department will take action to cancel the license pursuant to 50-52-205 and 50-52-207, MCA. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, 50-52-103, 50-52-201, 50-52-205, 50-52-206, 50-52-207 and 50-52-208, MCA; NEW, 1985 MAR p. 2007, Eff. 12/27/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.534 INSPECTIONS (1) A local health officer, or a sanitarian or sanitarian-in-training employed by or contracted with the local board of health, must conduct an inspection of each youth camp within the jurisdiction of the local board of health at least once every 12 months, unless that schedule is modified by signed agreement with the department.

(2) The local health officer, local health department sanitarian or sanitarian-in-training, or an authorized representative of the department must be permitted to inspect any youth camp at a reasonable time for the purpose of determining compliance with this subchapter and to examine the records relating to the youth camp in order to assist in that determination.

(3) Whenever an inspection of a youth camp is made, the findings must be recorded on a form approved by the department, retained by the local health authority, and furnished to the department upon request.

(4) The inspection form must specify a reasonable period of time for the correction of any violations found, and the youth camp must correct the violations within the period specified.

(5) The inspection form shall state that failure to comply with any time limits for corrections may result in an order to cease operations. (History: Sec. 50-52-102, 50-52-301 and 50-52-302, MCA; IMP, Sec. 50-52-301, 50-52-302 and 50-52-303, MCA; NEW, 1994 MAR p. 2941, Eff. 11/11/94; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.535 MINIMUM PERFORMANCE REQUIREMENTS FOR LOCAL HEALTH AUTHORITIES (1) To qualify for reimbursement under 50-52-302, MCA, the local board of health must either enter into a written, signed cooperative agreement with the department that establishes the duties and responsibilities of the local board of health and the department consistent with this subchapter, or meet each of the following requirements:

(a) Each youth camp within the jurisdiction of the local board of health is inspected at least once every 12 months, or on the schedule specified in a signed agreement with the department.

(b) Quarterly inspection reports are submitted to the department within 10 days following the close of each quarter of the fiscal year (1st quarter--September 30; 2nd quarter--December 31; 3rd quarter--March 31; 4th quarter--June 30) on forms approved by the department.

(c) All documentation of enforcement of this subchapter, including but not limited to inspection reports, consumer complaints, illness investigations, plans of correction, and enforcement actions, is retained for 5 years and copies of the documentation are submitted or otherwise made available to the department upon request.

(2) A failure by the local board of health to meet all of its responsibilities under the cooperative agreement or under (1)(a) through (d) above shall result in the withholding of funds from the local board reimbursement fund in an amount to be determined by the department. (History: Sec. 50-52-302, MCA; IMP, Sec. 50-52-302, MCA; NEW, 1994 MAR p. 2941, Eff. 11/11/94; TRANS, from DHES, 2001 MAR p. 2425.)

Subchapter 6

Work Camps

37.111.601 DEFINITIONS (1) The following definitions apply to this subchapter:

(a) "Contamination" means impairment or other alteration of the physical, chemical, or biological properties of water, including causing violation of the surface water quality standards contained in ARM Title 17, chapter 38, subchapter 6 or the maximum contaminant levels for public water supplies contained in ARM Title 17, chapter 38, subchapter 2, or otherwise creating a hazard to human health.

(b) "Lateral" means that portion of a water system or sewerage system which extends horizontally from the water or sewer main to the water or sewer riser pipe.

(c) "Potable water" means water which is safe for human consumption in terms of bacteriological and chemical quality.

(d) "Potentially hazardous food" means any perishable food that consists in whole or in part of milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (aW) value of 0.85 or less.

(e) "Public water supply system" means any installation or structure that provides water for human consumption and services 10 or more families or 25 or more persons at least 60 days out of the calendar year.

(f) "Sanitary station" means a facility used for removing and disposing of wastes from trailer holding tanks.

(g) "Self-contained trailer" means a trailer which can operate independently of connections to sewer, water, and electric systems. It contains a water-flushed toilet and lavatory, shower, and kitchen sink, any or all of which are connected to water storage and sewage holding tanks located within the trailer.

(h) "Sewer line connection" means the connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the trailer to the inlet of the corresponding sewer riser pipe of the sewage system serving the work camp.

(i) "Sewer riser pipe" means that portion of the sewer system which extends vertically to the ground elevation and terminates at each trailer space.

(j) "State waters" means any body of water, irrigation system, or drainage system, either surface or underground.

(k) "Stop-and-waste valve" means any unit that permits the outlet valve to be drained through a port or drain hole provided in the valve.

(l) "Trailer space" means that part of a work camp designated for the placement of a single trailer and the exclusive use of its occupants.

(m) "Water service connection" means the connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the trailer.

(n) "Water riser pipe" means that portion of the water system which extends vertically to the ground elevation and terminates at a designated point at each trailer space.

(o) "Water station" means a facility for supplying potable water to the water storage tanks of trailers and other potable water containers.

(2) The department hereby adopts and incorporates by reference the provisions of ARM Title 17, chapter 30, subchapter 6 and Title 17, chapter 38, subchapter 2, which establish, respectively, maximum contaminant levels for public water supplies and surface water quality standards. Copies of ARM Title 17, chapter 30, subchapter 6 and Title 17, chapter 38, subchapter 2 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 934, Eff. 7/12/85; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 02 and 03 reserved

NEXT PAGE IS 37-27849

37.111.604 LAYOUT PLAN REVIEW (1) Scaled layout plans and specifications for a proposed work camp, or any alteration or enlargement of an existing work camp, must be prepared and submitted to the department and the local health officer for approval prior to the camp's establishment, alteration, or enlargement.

(2) The use of an existing water supply and distribution system, and sewage collection and disposal system, in a proposed work camp may be approved only if it can be shown that the existing system meets or exceeds the relevant standards in ARM 37.111.615 or 37.111.616.

(3) Approval to establish, alter, or enlarge a work camp lasts 2 years from the date written approval is issued by the department and local health officer; if construction has not begun during the 2 year period, plans and specifications must again be submitted for re-evaluation and approval before the work camp may be established, altered, or enlarged.

(4) Conversion of a work camp to a trailer court, campground, or any other establishment required by law to be licensed by the department must have prior approval by the department and the local health officer and be separately licensed for the type of establishment the conversion constitutes.

(5) Approval of plans or licensure for compliance with this subchapter does not relieve the work camp of the need to obtain any other permit otherwise required by law or regulation, and the inspections which may be incidental thereto, e.g., a building permit, a plumbing permit, or an electrical permit. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 934, Eff. 7/12/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.605 SHELTER, STRUCTURAL AND MAINTENANCE REQUIREMENTS (1) A work camp must meet the following structural and maintenance requirements in regard to any shelter it provides for work camp residents:

(a) All rooms and hallways must be provided with at least 10 footcandles of light.

(b) Floors and walls of rooms subject to large amounts of moisture must be smooth and non-absorbent.

(c) Floor and wall-mounted furnishings must be easily moved or mounted in such a way as to allow for easy cleaning.

(d) Toilet and handwashing facilities must be provided and kept clean.

(e) The floors, walls, ceilings, furnishings, and equipment must be kept in good repair, free of hazards, and clean.

(f) The temperature of water for handwashing and bathing must be limited to 120°F or below.

(g) Bathing facilities must be provided with anti-slip surfaces.

(h) Cleaning equipment and supplies must be provided and accessible to residents in sufficient quantity to meet the housekeeping needs of the facility.

(i) Before a new resident moves into living quarters which were previously occupied, the quarters must be thoroughly cleaned and any necessary repairs to them must be made.

(j) If laundry service is provided by the work camp, the requirements of ARM 37.111.121 must be met.

(k) If housekeeping service is provided by the work camp, the requirements of ARM 37.111.122 must be met.

(2) The department hereby adopts and incorporates by reference ARM 37.111.121, which sets equipment and operation requirements for laundries, and ARM 37.111.122, which sets housekeeping and maintenance standards for public accommodations. Copies of ARM 37.111.121 and 37.111.122 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 934, Eff. 7/12/85; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 06 through 14 reserved

NEXT PAGE IS 37-27871

37.111.615 WATER SUPPLY SYSTEM (1) In order to ensure an adequate and potable supply of water, a work camp must either:

(a) connect to a water supply system meeting the requirements of Title 17, chapter 38, subchapters 1, 2, and 5 of the Administrative Rules of Montana; or

(b) if the work camp utilizes a water system with no more than 9 service connections or is utilized by no more than 24 persons or no more than 9 families daily during all but 59 or fewer days out of the calendar year, including guests, staff, and residents; and an adequate public water supply system is not accessible; utilize a non-public water supply system whose construction and use meet those standards set in department of environmental quality circular #84-11, except that if it is not feasible to develop a permanent water supply due to the temporary or transient nature of the work camp, a temporary water supply may be utilized which is constructed and operated in accordance with one of the following department circulars:

(i) Circular #11 for springs

(ii) Circular #17 for cisterns.

(2) A non-public water supply system other than one meeting the standards in circulars #11, #17, or #84-11 may be utilized only if it is designed by an engineer registered in Montana and, to the satisfaction of the department and local health officer, offers sanitary protection equivalent to that provided by those circulars.

(3) If a work camp uses a non-public water supply system, it must submit a water sample from that water supply system at least quarterly to a laboratory licensed by the department of public health and human services to perform microbiological analysis of water supplies, in order to determine that the water does not exceed the maximum microbiological contaminant levels stated in ARM 17.38.207.

(4) A work camp must replace or repair the water supply system serving it whenever the water supply:

(a) contains microbiological contaminants in excess of the maximum levels cited in ARM 17.38.207; or

(b) does not have the capacity to provide adequate water for drinking, cooking, personal hygiene, laundry, and water-carried waste disposal.

(5) Any extension, alteration, repair, or replacement of a water distribution system, or development of a new water supply system, must be in accordance with the standards set forth in this rule.

(6) Unless each living unit in the work camp is provided with an individual water service connection, the work camp must provide a common water station which:

- (a) consists of at least a water hydrant;
- (b) is protected against backflow and hose contamination; and
- (c) is located so that the use of the hose for sewage holding tank flushing is impossible.

(7) If facilities for individual water service connections to trailers are provided, they must meet the following requirements:

(a) Water riser pipes provided for individual water service connections must:

(i) be so located, constructed, and protected (for example, by posts, fences, or other permanent barriers) that they will not be damaged by the parking of trailers or vehicles; and

(ii) extend at least 4 inches above ground elevation and be at least 3/4 of an inch in diameter.

(b) Measures must be taken which are adequate to prevent freezing of service lines, valves, and riser pipes.

(c) Where water risers are provided for irrigation use, a "backflow preventer" must be installed in the water service line at or near the outlet.

(d) A stop-and-waste valve and cock may be installed in an underground water service line only if:

(i) the stop-and-waste valve is located a minimum of two feet above the level of the water table and in soil providing good drainage.

(ii) at least 10 feet of horizontal distance exists between a sewer line connection and the stop-and-waste valve.

(e) Valves must be provided for the outlet of each water service connection and must be turned off and the outlets capped or plugged when the latter are not in use.

(8) A water service lateral must be constructed as follows:

(a) Pipe used for a water service lateral must be either copper, 160 psi-rated plastic approved for potable water supply use, or an equivalent.

(b) Inside pipe diameter must be a minimum of 3/4 of an inch.

(c) The lateral must be laid at least 10 feet horizontally from any existing or proposed sewer unless:

(i) it is laid in a separate trench or an undisturbed earth shelf located on one side of the sewer, in either case at such an elevation that the bottom of the water service lateral is at least 12 inches above the top of the sewer; or

(ii) the sewer is constructed of schedule 40 PVC, schedule 40 ABS, or standard weight cast iron pipe tested for leakage in accordance with ARM 37.111.616, in which case the lateral may be laid without regard to vertical separation from the sewer.

(d) A lateral constructed less than 10 feet from a sewer must be kept to one side of the sewer, with crossings minimized.

(e) A lateral crossing a sewer line must be laid to provide a minimum vertical distance of 12 inches between the bottom of the lateral and the top of the sewer line, unless a single length of schedule 40 PVC, schedule 40 ABS, or standard weight cast iron pipe tested for leakage in accordance with ARM 37.111.616 is centered on the crossing, in which case the pipe may be laid without regard to vertical separation.

(9) The department hereby adopts and incorporates by reference:

(a) Title 17, chapter 38, subchapters 1, 2, and 5 of the Administrative Rules of Montana which, respectively, set standards protecting the bacteriological, chemical, and radiological quality of public drinking water supplies; protect water hauled for cisterns from contamination, and require preconstruction review and set construction standards for water and sewer systems.

(b) ARM 17.38.207, stating maximum microbiological contaminant levels for public water supplies; and

(c) the following department of environmental quality publications setting construction, operation, and maintenance standards for springs, wells, and cisterns, respectively:

(i) Department of environmental quality circular #11, "Springs"

(ii) Department of environmental quality circular #84-11, "Minimum Design Standards for Small Water Systems"

(iii) Department of environmental quality circular #17, "Cisterns for Water Supplies". Copies of ARM Title 17, chapter 38, subchapters 1, 2, or 5; ARM 17.38.207; or circulars #11, #84-11 or #17 may be obtained from the Department of Public Health and Human Services, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 934, Eff. 7/12/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.616 SEWAGE TREATMENT AND DISPOSAL (1) In order to ensure sewage is completely and safely disposed of, a work camp must:

(a) connect to a public sewage system meeting the requirements of Title 17, chapter 38, subchapter 1 of the Administrative Rules of Montana; or

(b) if the work camp is utilized by no more than 24 persons or no more than 9 families daily during all except 59 or fewer days of the calendar year, including day workers and residents; and an adequate public sewage system is not available; utilize a non-public system which meets the construction and operation standards contained in either of department of environmental quality circulars #84-10 or #13 or which is designed by an engineer registered in Montana and, to the satisfaction of the department and local health officer, offers sanitary protection equivalent to those circulars.

(2) Liquid wastes from sinks, showers, or baths may not be allowed to accumulate on the ground surface and must be discharged into the sewage treatment and disposal system serving the work camp or into an alternate system approved by the department and local health officer.

(3) A sewage treatment and disposal system must be replaced or repaired if any of the following conditions occur:

(a) The system refuses to accept sewage effluent at the rate of application.

(b) Sewage effluent seeps from, or ponds on or around, the system.

(c) Effluent from the sewage treatment and disposal system contaminates a potable water supply or state waters.

(d) The sewage system is subjected to mechanical failure, including electrical outage or collapse or breakage of a septic tank, lead line, or drainfield line.

(4) An extension, alteration, or replacement of any sewage treatment and disposal system must be made in accordance with the standards set forth in this rule.

(5) Any sewer service lateral must be constructed as follows:

(a) the lateral must be water tight at all points and tested for that quality by filling with water, by another equivalent test, or, in the case of a lateral which is required by ARM 37.111.615 to be constructed of schedule 40 PVC, schedule ABS, or standard weight case iron pipe, by testing under pressure of at least a 10-foot head of water for a minimum of 15 minutes, or other equivalent test.

(b) Pipe size must be a minimum of 4 inches in diameter.

(c) The lateral must be sloped to maintain a 2-foot per second flow velocity (1.2% slope for 4-inch line).

(6) If facilities for individual sewer connections to trailers are provided, they must meet the following requirements:

(a) The sewer riser pipe must:

(i) have a 4-inch diameter;

(ii) be so located on the trailer space that a sewer connection to the trailer drain outlet will approximate a vertical position; and

(iii) be separated from the water riser by at least 6 feet at finished grade.

(b) Surface drainage must be diverted away from the riser.

(c) Provisions must be made for plugging or capping the sewer riser pipe with a tamper resistant cap having an air tight seal whenever a trailer does not occupy the space.

(7) A sewer connection between a trailer and a sewer riser must:

(a) have a nominal inside diameter of at least 3 inches;

(b) be sloped at least 1/4 inch per foot;

(c) consist of one line only, without any branch fitting;

(d) have watertight joints;

(e) be constructed of corrosion resistant, non-absorbent, durable material with a smooth inner surface, except that flex hose may be used for making a sewer connection whenever the connection will be made for 14 days or less.

(8) A work camp which provides trailer space for self-contained trailers must also provide one sanitary station meeting the standards in (9) below for every 100 trailer spaces, or fraction thereof, which lack individual sewer risers, except in the following cases:

(a) Whenever a sanitary station is available for public use on a full-time basis within a reasonable distance from the work camp.

(b) Whenever installation of a sanitary station is not feasible due to lack of electricity, water under pressure, or other similar considerations beyond the control of the work camp operator.

(9) A sanitary station must have:

(a) a sewer riser pipe at least four inches in diameter which is:

(i) connected to the work camp sewage system;

(ii) surrounded at the inlet end by a concrete apron at least four feet square sloped to the drain;

(iii) provided with a self-closing hinged cover.

(b) a water outlet equipped with anti-back-siphoning devices and connected to the work camp water supply system to permit periodic washdown of the immediately adjacent area; and

(c) a sign stating that the water is unsafe for drinking.

(10) If any living units are not provided with individual toilet facilities, central toilet facilities must be located within 300 feet of all sleeping quarters lacking such individual toilets and provided in the ratio of one toilet for every 10 persons or fraction thereof needing them.

(11) The department hereby adopts and incorporates by reference Title 17, chapter 38, subchapter 1 of the Administrative Rules of Montana, which sets construction standards for sewage systems; and the following department publications setting construction and operation standards for specific types of sewage systems:

(a) Department of environmental quality circular #84-10, "Sewers and Sewage Treatment for Multi-Family and Non-Residential Buildings";

(b) Department of environmental quality circular #13, "The Sanitary Pit Privy". Copies of ARM Title 17, chapter 38, subchapter 1, and circulars #84-10 and #13 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 934, Eff. 7/12/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.617 SOLID WASTE In order to ensure that solid waste is safely stored and disposed of, a work camp must:

(1) Store all solid waste between collections in containers which have lids and are corrosion-resistant, flytight, watertight, and rodent-proof;

(2) Locate solid waste containers within 150 feet of all sleeping quarters;

(3) Clean all solid waste containers frequently;

(4) Keep the containers in exterior collection stands which prevent the containers from being tipped, protect them from deterioration, and allow easy cleaning below and around them; and

(5) Transport the solid waste at least weekly to a licensed landfill site, either by utilizing a private or municipal hauler or by otherwise transporting the waste in a covered vehicle or covered containers. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 934, Eff. 7/12/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.618 FOOD SERVICE (1) Whenever food is prepared by the work camp for service to work camp residents, the following requirements apply:

- (a) Food must be:
 - (i) free from spoilage, filth, or other contamination;
 - (ii) obtained from sources that comply with all federal and state law applicable to the source relating to food and food labeling;
 - (iii) at all times, including while being stored, prepared, displayed, served, or transported, protected from potential contamination, such as dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and drips from overhead condensation.
 - (iv) thoroughly washed and/or cooked as necessary to destroy disease-causing microorganisms.
- (b) A potentially hazardous food must:
 - (i) be maintained at 45°F or below, or 140°F or above;
 - (ii) when thawed after being frozen, be thawed either at 45°F or below, by quick-thawing during the cooking process, or by an equivalent method approved by the department.
- (c) No food may be served which has been stored in an hermetically sealed container unless the container was prepared in a licensed food processing establishment.
- (d) If food or food utensils are transported from the kitchen to an area not immediately contiguous to the kitchen, the food and utensils must, during transportation, be kept in covered containers or completely wrapped or packaged so as to be protected from contamination.
- (e) No person who is either infected with a communicable disease in a form that can be transmitted by foods; a carrier of organisms that cause such a disease; or afflicted with a boil, an infected wound, diarrhea, acute gastro-intestinal illness, or an acute respiratory infection may work in a kitchen in any capacity in which there is a likelihood of that person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons.
- (f) Kitchen workers must maintain a high degree of personal cleanliness and conform to good hygienic practices.

(g) Food preparation, storage, and serving equipment and utensils must:

(i) not impart odors, color, or taste to food nor contribute to its contamination;

(ii) be thoroughly cleaned after each usage;

(iii) be constructed, repaired, and finished with non-toxic materials, resistant to corrosion, smooth, and, if multi-use, easily cleanable, non-absorbent, and durable under conditions of normal use;

(iv) when cleaned and sanitized, or if single-service, be handled and stored in a way that protects them from contamination.

(h) Facilities must be provided which are adequate for washing and sanitizing all multi-use utensils used for preparing, serving, and storing food.

(i) Kitchen floors, walls, ceilings, equipment, and storage areas must be smooth, non-absorbent, easily cleanable, and kept clean and in good repair.

(2) Individual or family use kitchens provided by the work camp must be equipped with at least the following:

(a) Facilities to wash utensils and cooking equipment.

(b) Refrigeration equipment capable of maintaining foods at or below 45°F.

(c) Cooking facilities.

(d) Adequate space to store and prepare food. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 934, Eff. 7/12/85; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 19 and 20 reserved

37.111.621 INSECT, RODENT AND WEED CONTROL The operator of the work camp must ensure that:

(1) Camp buildings and other structures are kept free, to the extent possible, of harborage for, and infestations of, insects and rodents.

(2) Any extermination or control measures involving insecticides, rodenticides, or herbicides strictly conform to the manufacturer's application instructions.

(3) The growth of brush, weeds, grass, and other plants is controlled within central camp areas to the extent necessary to eliminate harborage for ticks, chiggers, and similar insects of danger to public health.

(4) Ragweed, poison ivy, poison oak, poison sumac, and other similarly noxious plants do not grow on camp property within the area customarily frequented by humans. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 934, Eff. 7/12/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.622 ABANDONMENT OF WORK CAMP (1) Whenever operation of a work camp is permanently discontinued, and in order to prevent injury to health or environmental damage, all septic tanks, privy vaults, and cisterns must be removed, or emptied and subsequently filled with solid materials. (History: Sec. 50-52-102, MCA; IMP, Sec. 50-52-102, MCA; NEW, 1985 MAR p. 934, Eff. 7/12/85; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.623 INSPECTIONS (1) A local health officer, or a sanitarian or sanitarian-in-training employed by or contracted with the local board of health, must conduct an inspection of each work camp within the jurisdiction of the local board of health at least once every 12 months, unless that schedule is modified by signed agreement with the department.

(2) The local health officer, local health department sanitarian or sanitarian-in-training, or an authorized representative of the department must be permitted to inspect any work camp at a reasonable time for the purpose of determining compliance with this subchapter and to examine the records relating to the work camp in order to assist in that determination.

(3) Whenever an inspection of a work camp is made, the findings must be recorded on a form approved by the department, retained by the local health officer, and furnished to the department upon request.

(4) The inspection form must specify a reasonable period of time for the correction of any violations found, and the work camp must correct the violations within the period specified.

(5) The inspection form shall state that failure to comply with any time limits for corrections may result in an order to cease operations. (History: Sec. 50-52-102, 50-52-301 and 50-52-302, MCA; IMP, Sec. 50-52-301, 50-52-302 and 50-52-303, MCA; NEW, 1994 MAR p. 2941, Eff. 11/11/94; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.624 MINIMUM PERFORMANCE REQUIREMENTS FOR LOCAL REGULATORY AUTHORITIES (1) To qualify for reimbursement under 50-52-302, MCA, the local board of health must either enter into a written, signed cooperative agreement with the department that establishes the duties and responsibilities of the local board of health and the department consistent with this subchapter, or meet each of the following requirements:

(a) Each work camp within the jurisdiction of the local board of health is inspected at least once every 12 months, or on the schedule specified in a signed agreement with the department.

(b) Quarterly inspection reports are submitted to the department within 10 days following the close of each quarter of the fiscal year (1st quarter--September 30; 2nd quarter--December 31; 3rd quarter--March 31; 4th quarter--June 30) on forms approved by the department.

(c) All documentation of enforcement of this subchapter, including but not limited to inspection reports, consumer complaints, illness investigations, plans of correction, and enforcement actions, is retained for 5 years and copies of the documentation are submitted or otherwise made available to the department upon request.

(2) A failure by the local board of health to meet all of its responsibilities under the cooperative agreement or under (1)(a) through (d) above shall result in the withholding of funds from the local board reimbursement fund in an amount to be determined by the department. (History: Sec. 50-52-302, MCA; IMP, Sec. 50-52-302, MCA; NEW, 1994 MAR p. 2941, Eff. 11/11/94; TRANS, from DHES, 2001 MAR p. 2425.)

Subchapter 7 reserved

Subchapter 8

Schools

37.111.801 DEFINITIONS (1) "Department" means the department of public health and human services.

(2) "School" means a building or structure or portion thereof occupied or used at least 180 days per year for the teaching of individuals, the curriculum of which satisfies the basic instructional program approved by the board of public education for pupils in any combination of kindergarten through grade 12, but excludes home schools as that term is defined in 20-5-102(f), MCA.

(3) "Fixtures" means a shower, toilet, toilet seat, urinal, lavatory, drinking fountain, kitchen sink, janitor and custodial sink, utensil sink, and all exposed plumbing integral to them.

(4) "Floors" means floor covering of all rooms including stairways, hallways, and lobbies.

(5) "Furnishings" means draperies, curtains, blinds, light fixtures, chairs, tables, desks, shelves, and bookcases.

(6) "Local health authority" means a local health officer, local sanitarian, or their authorized agents.

(7) "Sanitarian" means the person who is qualified under Title 37, chapter 40, part 3, MCA, and represents the health officer.

(8) "School site" means the ground immediately adjacent to a school used on a regular basis for school-related activity. (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 02 and 03 reserved

NEXT PAGE IS 37-27925

ADMINISTRATIVE RULES OF MONTANA

12/31/01

37-27923

37.111.804 PRECONSTRUCTION REVIEW (1) Before construction commences, plans for construction of a new school or an addition to or an alteration of an existing school must be submitted to the department or local health authority for review and approval. Plans must include the following where applicable:

(a) location and detail of classrooms used for science or science laboratories, home economics, and shop, including location and venting detail of lockable storage area of chemicals and other hazardous products;

(b) location and detail of janitorial facilities;

(c) specifications for the sewage treatment and disposal system to serve the school, except as provided in (2);

(d) specifications for the water supply to serve the school, except as provided in (2);

(e) location and detail of laundry facilities including description of equipment and a flow chart indicating the route of laundry through sorting, washing, drying, ironing, folding, and storage;

(f) specifications for the final finishes of floors, walls and ceilings in toilet, locker and shower rooms, laundries, and janitorial closets.

(g) a statement from the designer of the facilities that lighting capable of meeting the minimum requirements of ARM 37.111.830 will be provided;

(h) location and detail of the solid waste storage facilities;

(i) name of department-approved sanitary landfill which will receive solid waste from the school;

(j) specifications for a food service to serve the school unless the food service has been previously approved by the department;

(k) any other information requested by the department or local health authority relating to the health, sanitation, safety, and physical well being of the teachers, staff, and students.

(2) If the sewage treatment or disposal system or water supply has been previously approved by the department and is designed to handle any increased load necessitated by the school's use, the applicant need not submit system specifications, but must submit written certification that the owner of the system has agreed to provide service.

(3) Construction may not commence until all plans required by (1) of this rule have been approved by the department or local health authority. The department or local health authority shall complete this review within 60 days after submission to them of complete plans and specifications. Construction must be in accordance with the plans as approved unless permission is granted in writing by the department or local health authority to make changes.

(4) Approval will be granted for a period not to exceed 3 years, after which, if construction has not been completed, plans must again be submitted to the department or local health authority for re-evaluation. (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.805 EXISTING BUILDING: CHANGE OF USE (1) An existing building not currently used as a school may not be used as a school without the prior approval of the department or local health authority.

(a) When a proposal to use an existing building as a school involves physical modification, plans meeting the requirements of (1) of ARM 37.111.804 must be submitted to the department or local health authority for review and approval. If no physical modification is involved, the department or local health authority may waive the requirement for submission of plans if an inspection by the department or local health authority indicates that the proposed school meets the requirements of this subchapter.

(2) Whenever compliance with this subchapter requires capital expenditures for the modification of an existing building currently being used as a school on April 11, 1986, compliance with such requirements must be achieved no later than December 31, 1987. (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.806 STATE-LOCAL COORDINATION (1) If plans for a new or existing building are submitted for review to the local health authority pursuant to ARM 37.111.804 or 37.111.805 and the local health authority determines that it will be unable to conduct the review within a reasonable period of time, the local authority shall transmit the plans to the department within 10 days after receipt, and shall notify the applicant that the review will be conducted by the department.

(2) If a local health authority conducts a plan review pursuant to ARM 37.111.804 or 37.111.805 and approves the plans, the local health authority shall submit written certification of such approval to the department no later than 30 days following such approval. (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 07 through 09 reserved

37.111.810 INSPECTION (1) Representatives of the department or local health authority must be permitted to enter any school at any reasonable time for the purpose of making inspections to determine compliance with this subchapter. Such inspections should be conducted as frequently as possible and appropriate, ideally at least once in every 12 months. The department or local health authority may determine that special circumstances or local conditions warrant inspections with greater or less frequency.

(2) Immediately following each inspection, representatives of the department or local health authority shall give the school administration a copy of an inspection report which notes any deficiencies and sets a time schedule for compliance. (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.811 PHYSICAL REQUIREMENTS (1) A school must comply with the following physical requirements:

(a) Adequate and convenient janitorial facilities including a sink and storage area for equipment and chemicals must be provided.

(b) Floors, walls, and ceilings in toilet, locker, and shower rooms, laundries, janitorial closets, and similar rooms subject to large amounts of moisture must be maintained in a smooth and non-absorbent condition. Non-absorbent, non-skid floor matting may be used where appropriate to prevent injury.

(c) Adequate wrap and book storage for each pupil must be provided.

(2) In addition to compliance with this subchapter, school officials should also be aware of the need to comply with the building and fire safety codes administered by the state building codes division and the state fire marshal or by local building officials (see Title 50, chapters 60 and 61, MCA, and rules adopted thereunder). (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.812 SAFETY REQUIREMENTS (1) Janitorial and other storage areas that contain toxic or hazardous materials must be kept locked between periods of use.

(2) All cleaning compounds and other toxic chemicals not stored in the product container or package in which it was obtained must be stored in a labeled container that clearly identifies the product by name.

(3) Water provided to handsinks and shower facilities may not exceed a temperature of 120°F.

(4) Gas supply lines serving science laboratories, home economics, shops, and other rooms utilizing multiple outlets must have a master shutoff valve that is readily accessible to the instructor or instructors in charge.

(5) Shops and other rooms using electrically operated instruction equipment which presents a significant safety hazard to the student utilizing such equipment must be supplied with a master electric switch readily accessible to the instructor or instructors in charge.

(6) The school site must be free of objects or conditions which create unreasonable or unnecessary dangers to health or safety.

(7) The topography of the site must permit good drainage of surface water to eliminate significant areas of standing water.

(8) Playground equipment must be maintained in a safe condition. (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 13 through 24 reserved

37.111.825 HEALTH SUPERVISION AND MAINTENANCE (1) Soap and disposable towels or other hand-drying devices must be available at all handwashing sinks. Common-use cloth towels are prohibited.

(2) Sanitary napkin disposal must be provided for girls of age 10 or older and in teachers' toilet rooms and nurses' toilet rooms; the school must provide either sanitary napkin dispensers in the girls', nurses', and teachers' toilet rooms or some other readily available on-site access to sanitary napkins.

(3) If a child develops symptoms of illness while at school, the responsible school officials shall do the following:

(a) isolate the child immediately from other children in a room or area segregated for that purpose;

(b) inform the parent or guardian as soon as possible about the illness and request him or her to pick up the child.

(4) Schools shall develop and enforce policies on first aid which include, at a minimum, the following:

(a) obtaining emergency phone numbers for parents or guardians;

(b) procedures to be followed in the event of accidents or injuries; and

(c) emergency coverage, including the presence of a person with a currently valid American red cross standard first aid card, during school-sponsored activities, including field trips, athletic, and other off-campus events. Recommendations for first aid supplies and policies may be secured from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.

(5) Smoking must be prohibited during school hours in rooms and any other areas used by children, and no smoking signs must be posted in each hallway, entryway, gymnasium, lunchroom, and restroom, though not in each classroom; smoking must be prohibited in school vehicles while used by children for school-related functions.

(6) In addition to the requirements of this rule, school officials should also be aware of the need to comply with the laws and rules relating to immunization of children (20-5-402, et seq., MCA; ARM 16.28.701, et seq.), health certification of teachers (20-4-104(b), MCA; ARM 16.28.1005), and reporting of communicable diseases (ARM 16.28.201, 16.28.202, and 16.28.601, et seq.). Copies of these requirements may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.

(7) Pursuant to the advisory authority of 50-1-202(11) and (12), MCA, the department recommends that students be evaluated by registered professional nurses or other appropriately qualified health professionals on a periodic basis in order to identify those health problems which have the potential for interfering with learning, including:

(a) assessment of student's health and developmental status;

(b) vision screening;

(c) hearing screening;

(d) scoliosis screening;

(e) chemical and alcohol abuse;

(f) nutritional screening; and

(g) dental screening. (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 26 through 29 reserved

37.111.830 LIGHTING The following standards are advisory, rather than mandatory:

(1) Sources of illumination, both natural and artificial, should be provided with light diffusion means, or should be of a type and design which limits excessive glare.

(2) The following minimum lighting, measured in footcandles, should be maintained during all periods of use:

(a) hallways, corridors, storerooms, locker rooms, shower rooms, auditoriums (not for study) -- 10;

(b) cafeterias, reception rooms, swimming rooms, gymnasiums, toilet rooms, laundry rooms -- 20;

(c) classrooms, study halls, lecture rooms, art rooms, libraries -- 50;

(3) In shops, laboratories, drafting rooms, typing rooms, home economics rooms, or other areas where pupils use specific machines or equipment, a minimum of 100 footcandles should be maintained on such machinery or equipment while in use. (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.831 HEATING The following standards are advisory, rather than mandatory:

(1) Space heating systems should be designed to be capable of providing the following minimum space ambient temperatures:

(a) classrooms, offices, music rooms, auditoriums, multi-purpose rooms, libraries, cafeterias, toilet, and similar rooms -- 68°F at four feet from the floor;

(b) locker rooms and showers -- 75°F at 4 feet from the floor;

(c) gymnasiums -- 65°F at 4 feet from the floor. (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.832 WATER SUPPLY SYSTEM (1) The department hereby adopts and incorporates by reference ARM Title 17, chapter 38, subchapters 1, 2 and 5, which set forth standards for design, operation and maintenance of public water supplies; and circular #84-11, "Minimum Design Standards for Small Water Systems," published by the department of environmental quality, which sets construction, operation, and maintenance standards for small water systems. Copies of ARM Title 17, chapter 38, subchapters 1, 2 and 5, and circular #84-11 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.

(2) In order to ensure an adequate and potable supply of water, a school must either:

(a) connect to a water supply system meeting the requirements of Title 17, chapter 38, subchapters 1, 2 and 5 of the Administrative Rules of Montana; or

(b) if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including staff and students, and an adequate public water supply system satisfying the requirements of ARM Title 17, chapter 38, subchapters 1, 2 and 5, is not accessible, utilize a non-public system whose construction and use meet the standards set in circular #84-11 published by the department of environmental quality.

(3) A water supply system of a type other than described in this rule may be utilized only if it is designed by a professional engineer and offers equivalent sanitary protection as determined by the department or local health authority.

(4) If a water supply system is used other than described in (2)(a) above, a school must submit a water sample at least quarterly to a laboratory licensed by the department to perform microbiological analysis of the water supplied in order to determine that the water does not exceed the maximum microbiological contaminant levels stated in ARM 17.38.207.

(5) A school must replace or repair the water supply system serving it whenever the water supply:

(a) contains microbiological contaminants in excess of the maximum levels contained in ARM 17.38.207; or

(b) does not have the capacity to provide adequate water for drinking, cooking, personal hygiene, laundry, and water-carried waste disposal.

(6) Common drinking cups or containers are prohibited.

(7) Where water under pressure cannot be made available, the drinking water from an approved source must be stored in a clean container having a tight-fitting lid and a suitable faucet apparatus for filling individual cups. Single service drinking cups must be provided. (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.833 SEWAGE SYSTEM (1) The department hereby adopts and incorporates by reference the following department of environmental quality publications setting construction and operation standards for sewage systems:

(a) circular #84-10, "Sewers and Sewage Treatment for Multi-Family and Non-Residential Buildings";

(b) circular #13, "The Sanitary Pit Privy". Copies of circulars #84-10 and #13 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.

(2) The department hereby adopts and incorporates by reference ARM Title 17, chapter 38, subchapter 1, which sets forth standards for design, maintenance and operation of public sewer systems. Copies of ARM Title 17, chapter 38, subchapter 1 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.

(3) In order to ensure sewage is completely and safely disposed of, a school must:

(a) connect to a public sewage system meeting the requirements of Title 17, chapter 38, subchapter 1 of the Administrative Rules of Montana; or

(b) if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including staff and students, and an adequate public sewage system satisfying the requirements of ARM Title 17, chapter 38, subchapter 1 is not available, utilize a non-public system whose construction and use meet the construction and operation standards contained in circular #84-10 incorporated by reference in (1) of this rule.

(4) Where pit privies are currently in use, the privies must be operated and maintained in compliance with the standards specified in circular #13, "The Sanitary Pit Privy."

(5) A sewage system design of a type other than described in this rule may be utilized only if it is designed by a professional engineer and offers equivalent sanitary protection as determined by the department or local health authority.

(6) A school must replace or repair its sewage system whenever:

(a) it fails to accept sewage effluent at the rate of application;

(b) seepage of effluent from, or ponding of effluent on or around the system occurs;

(c) effluent from the sewage system causes contamination of a potable water supply or state waters; or

(d) a mechanical failure occurs, including electrical outage, or collapse or breakage of septic tank, inlet lines, or drainfield lines. (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.834 SOLID WASTE In order to ensure that solid waste is safely stored and disposed of, a school must:

(1) store all solid waste between collections in containers which have lids, are corrosion-resistant, and are constructed to minimize insect and rodent attraction and harborage;

(2) clean all solid waste containers with sufficient frequency to maintain them in a condition which minimizes insect and rodent attraction;

(3) for exterior containers other than dumpsters or compactors, utilize stands which prevent the containers from being tipped, protect them from deterioration, and allow easy cleaning below and around them;

(a) dumpsters or compactors must be located on or above a smooth surface of non-absorbent material, such as concrete or asphalt, that is maintained in clean and good condition;

(4) transport, or utilize a private or municipal hauler to transport, the solid waste at least weekly to a landfill site approved by the department in a covered vehicle or covered containers. (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 35 through 39 reserved

37.111.840 LAUNDRY FACILITIES (1) Laundries operated in conjunction with or utilized by a school must be provided with:

(a) a mechanical washer and hot air tumble dryer. Manual washing and line drying of towels and other laundry items is prohibited. Dryers must be properly vented to prevent maintenance problems.

(b) a hot water supply system capable of supplying water at a temperature of 120°F to the washer during all periods of use.

(c) sufficient separation between the area used for sorting and storing soiled laundry and the area used for folding and storing clean laundry to prevent the possibility of cross-contamination.

(d) separate carts for transporting soiled and clean laundry.

(e) handwashing facilities including sink, soap, and disposable towels. A soak sink may double as a handwashing sink.

(2) Towels and other laundry items must be machine washed at a minimum temperature of 120°F for a minimum time of eight minutes and dried in a hot air tumble dryer. (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.841 CLEANING AND MAINTENANCE (1) A school must comply with the following cleaning and maintenance requirements:

(a) Daily cleaning and maintenance services must be provided whenever the school is in use.

(b) Each janitor room must be kept clean, ventilated, and free from odors.

(c) Soiled mop heads must be changed frequently, using laundered replacements.

(d) Toilets, lavatories, and showers may not be used for washing and rinsing of mops, brooms, brushes, or any other cleaning device.

(e) Cleaners used in cleaning showers, lavatories, urinals, toilet bowls, toilet seats, and floors must contain fungicides or germicides.

(f) Deodorizers and odor-masking agents may not be used unless the room in which used is clean to sight and touch.

(g) Toilet bowl brushes, mops and sponges may be used only for cleaning toilet bowls and urinals and must be stored separately from other cleaning devices. Cleaning devices used for lavatories and showers may not be used for any other purposes.

(h) Dry dust mops and dry dust cloths for cleaning purposes are prohibited, except for use on gymnasium floors. Only treated mops, wet mops, treated cloths, moist cloths or other means approved by the department or health authority which will not spread soil from one place to another may be used for dusting and cleaning, with the exception of gymnasium floors.

(i) All furnishings, fixtures, floors, walls, and ceilings must be clean and in good repair.

(j) Cleaning compounds and pesticides must be stored, used, and disposed of in accordance with the manufacturer's instructions.

(k) Whenever therapeutic whirlpools are used, they must be constructed and maintained for easy cleaning. Whirlpools must be drained and an effective disinfectant applied to the interior surfaces after periods of use. Individuals with open sores or infections are prohibited from using therapeutic whirlpools. (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and 5-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.842 FOOD SERVICE REQUIREMENTS (1) Whenever a food service is operated as an integral part of a school, compliance with ARM Title 37, chapter 110, subchapter 2, rules for food service establishments, is required.

(a) If the food service is available only to staff and students of the school and their guests, licensure as a food service establishment is not required, but compliance with ARM Title 37, chapter 110, subchapter 2, rules for food service establishments, is required.

(2) The department hereby adopts and incorporates by reference ARM Title 37, chapter 110, subchapter 2, which sets forth rules and standards for food service establishments. Copies of ARM Title 37, chapter 110, subchapter 2 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

Rules 43 through 45 reserved

37.111.846 NOXIOUS PLANT AND ANIMAL CONTROL (1) The school and school site must be maintained free of harborage for insects, rodents, and other vermin. Extermination methods and other measures to control insects and rodents must conform with the requirements of the department or the local health authority.

(2) All areas must be maintained free of accumulation of debris or standing water which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

(3) Whenever potential for rodent infestation exists, storage areas must be maintained so as to prevent rodent harborage. Lumber, pipe, and other building materials must be stored neatly at least one foot above the ground.

(4) Whenever the potential for insect and rodent infestation exists, building construction must be of a type which will not provide harborage. The growth of brush, weeds, and grass must be controlled to prevent harborage of noxious insects and other vermin. School grounds must be maintained to prevent the growth of noxious weeds considered detrimental to health. (History: Sec. 50-1-206, MCA; IMP, Sec. 50-1-203 and 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

Subchapter 9 reserved